



March 18, 2015

Honourable Premier Christy Clark  
Honorable Minister Steve Thomson  
Honorable Minister Todd Stone  
PO Box 9041  
Station PROV GOVT  
Victoria, BC  
V8W 9E1

By Email

RE: Moratorium on ORV Registration due to ORV Act implementation systemic problems

Dear Honourable Premier and Ministers,

BCORMA believes in, and is on record, as supporting ORV Licensing and Registration. We could not, in our worst nightmare, have envisioned what this has morphed into. What could and should have been a pretty straightforward exercise has become, in our view, ridiculously complicated and entirely ineffective compared to the original goals defined and presented to Government in 2007.

As President of the BC Off-Road Motorcycle Association, I have grave concerns not only with the Off-Road Vehicle Act as it stands, but with the length of time it has taken to process it. The stakeholder groups, largely at their own expense, have been working on this file since approximately 2002, had our recommendations in to government in 2007, legislation announced in 2009, and here we are in 2015 with an entirely non-functional implementation soon to become mandatory.

I am requesting a moratorium/postponement on the June 1, 2015 mandatory registration date until everybody, including riders, ICBC, government staff, and enforcement personnel clearly understand and apply appropriately the new legislation, tax obligations, insurance requirements, and enforcement parameters.

The details of our concerns are centred around:

### **1. Vehicle identification**

The proposed regulation metal license plate is just not a practical, workable or safe solution on either off-road motorcycles or snowmobiles. There are a number of issues surrounding a metal plate, including damage to the plate, falling off/getting knocked off, and the high likelihood of rider injury in the event of an unscheduled departure from the machine. We have broached the subject of a decaling system of identification a number of times with both ICBC, and staff on the legislative file, to no avail. A decaling system makes much more sense from both a practicality and safety standpoint. There isn't generally a large enough flat surface on an off-road motorcycle to mount a plate, particularly on Trials and kid-sized bikes, and on snowmobiles, with the side of the tunnel being the most likely mounting surface, at least one manufacturer has indicated that any alteration of the tunnel by drilling or other means will void the factory warranty. There are a number of other issues around plates that I would be glad to go into in more detail with an in-person meeting.

### **2. Insurance requirements, sales tax obligations, and increased documentation requirements**

There is generally a great deal of confusion among the riding public and ICBC Brokers around the issue of insurance requirements and options, and what taxes are due and why. I have asked for a clarification in writing of the taxation policy from Joel Fairbairn at Ministry of Finance vis a vis a four-year statute of limitations (information he provided) on collection of PST on old sales. That has not been provided to date.

The Broker network, through anecdotal stories received from folks that have already attempted to register, do not appear to have been properly trained in the areas of taxation, or insurance required to operate in different situations i.e. on or across MVA jurisdiction roads vs. FSR vs. Crown Land. This, in many instances, is causing riders to pay much more than they ought to in order to register and be considered "legal". This can be hundreds of dollars per machine in cases, adding up to potentially millions of dollars for the estimated 200,000 ORV machines that BC citizens own.

### **3. Trail Network sustainability**

One of the lynch-pin recommendations in the original 47 Recommendations made by the ORV Licensing and Registration Coalition was for a Trails Trust fund, not unlike the HCTF that hunters and fishers pay into. Of the original 47, I can only clearly identify a couple i.e. registration fees and a helmet law that have actually been implemented by government. This fund would insure the ability to maintain, enhance, and build or add to trail networks in future in a revenue-neutral manner, a true user-pay system. As things stand now, there has only been a vague hint at the possibility of such a fund, at least 5 years down the road. Riders want, and need, to feel there is some value being received for the money they are paying, not only in direct registration fees, but in various types of

taxation, including for fuel, haul vehicles, accommodation and restaurant meals purchased, and the list goes on.

#### **4. Enforcement**

We are already receiving reports of what we view as illegal enforcement of not-yet-enacted law in some parts of the Province. This enforcement mostly centres around “requirement” for Highway Crossing insurance under ICBC's new interpretation that all ORV “parking lots”, aka staging areas, require Highway Crossing insurance. In all of our meetings, legal Highway Crossings have not been legally defined in terms of ORV usage.

I am requesting an in-person meeting with yourselves and the Presidents/Executive Directors of BCORMA, BC Snowmobile Federation, and ATV/BC to discuss our request for a moratorium on ORV registration until the primary stakeholders, ICBC, and Government clearly understand and appropriately apply the new legislation, tax obligations, insurance requirements, and enforcement parameters.

With over 200,000 ORV machines and owners in British Columbia, we are asking the Government to act on a number of our ORV Provincial Federations recommendations that have been largely ignored to this point.

Yours truly,

Ken McClelland

President BCORMA

Founding Member, Coalition for Licensing & Registration of Off-Road Vehicles in British Columbia

ken.mcclelland@bcorma.ca

## Vukelich, Vera FLNR:EX

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**Sent:** Wednesday, January 27, 2016 11:24 AM  
**Subject:** FW: Ken McClelland re ORV Implementation (213435)

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**From:** Vukelich, Vera FLNR:EX  
**Sent:** Wednesday, August 5, 2015 9:24 AM  
**To:** Ken McClelland (BCORMA, President)  
**Cc:** OfficeofthePremier, Office PREM:EX; Minister, FLNR FLNR:EX; Transportation, Minister TRAN:EX; Bertram, Kevin D FLNR:EX; Knight, Lyle FLNR:EX; Hawkings, John FLNR:EX; Callander, Alan TRAN:EX; Norm Felix (ICBC Representative); Tony Carpenetti (ICBC Representative); Kilpatrick, John (ICBC Insurance); Fairbairn, Joel FIN:EX; Vukelich, Vera FLNR:EX  
**Subject:** Ken McClelland re ORV Implementation (213435)

Dear Ken McClelland,

Thank you for the March 18, 2015 letter requesting a temporary moratorium on ORV registration due to your concerns about the implementation of the *Off Road Vehicle Act*. I have been asked to respond on behalf of the Honourable Premier Christy Clark, Honourable Todd Stone and Honourable Steve Thomson. Although we have discussed the response to the implementation issues you have raised with other stakeholder associations on the ORV Joint Advisory Group, I apologize for not providing a response in writing.

As you know, through extensive dialogue with stakeholders, agencies and ministries over the years, we have learned that ORV issues are complex and achieving consensus among the range of parties was challenging. For example, some stakeholders strongly supported paying an annual registration fee for trail development whereas others strongly supported only one-time registration in order to keep costs as low as possible for rural families and small businesses. As time progressed, we also found that there were many aspects of shared interest and a common ground. The result of this hard work was the ORV Management Framework and the new *Off Road Vehicle Act* which is being implemented in stages:

- November 1, 2014, voluntary registration commenced under the *ORV Act* (via the *ORV Regulation*);
- June 1, 2015, the *Motor Vehicle (All Terrain) Act* was repealed and the *ORV Act* has come into force; and
- November 1, 2015, amendments to the *ORV Regulation* to include mandatory registration and new safety laws.

I was pleased that the suggestion to extend the voluntary registration period under the *ORV Act* from June 1 to November 1, 2015 was discussed and supported by ORV JAG members this past spring. ICBC has informed me that approximately 29,000 have voluntarily registered up to the end of June which has surpassed our ministry's expectation on participation rates since registration was not mandatory.

When registration is mandatory under the *ORV Act*, ORV owners will have the choice of a registration number plate or sticker to be affixed to the vehicle and clearly visible (e.g. on the front, back or left side). The details of the *ORV Regulation* amendments are still under development (e.g. exemptions such as motorsport dealers that demonstrate ORVs for sale purposes and small ORV manufactured for children under 12 years). As discussed, decisions about proposed regulations under the *ORV Act* are made by Cabinet and are subject to Cabinet Confidentiality.

Please note that when registration number stickers become available during mandatory registration, please ensure it is affixed to something that may be removed if you sell your ORV. It has been our experience that the

stickers used for the manual snowmobile registry under the previous *Motor Vehicle (All Terrain) Act* created challenges for some ORV owners when they sold their vehicle without removing the sticker and the new owner failed to re-register. Failing to remove the sticker may result in the previous registered owner receiving violation tickets for offences committed by the new owner. Consequently, plates that are easily removed without damaging a vehicle paint-job upon transfer of ownership continue to be the preferred option for many ORV owners. For those that opt for a plate and have concerns about the metal edge, a license plate frame has been used.

It was also anticipated that owners of older ORVs may not have documentation to prove ownership at registration. So, similar to the approach with on-highway vehicles under the *Motor Vehicle Act*, ICBC requires a statutory declaration from ORV owners (this also helps ensure stolen ORVs are not registered). Please note that multiple ORVs owned by the same person may be included on one statutory declaration form as a cost savings. A Notary Public or Service BC, who have agents that are Commissioners for taking Affidavits, can provide this service. I understand that Service BC charges \$15.

In terms of implementation issues associated with ICBC broker services, ATV BC's and the BC Wildlife Federation's (BCWF) approach to contacting the ICBC representative directly on ORV JAG to respond to their members concerns has been very effective – as a result, I would like to suggest that BCORMA consider adopting the same approach of contacting subject area experts on ORV JAG.

For your convenience, attached is the contact information for ORV JAG representatives from ICBC and key government staff related to other program areas:

- Myself regarding the *ORV Act* and ORV JAG (Email: [Vera.Vukelich@gov.bc.ca](mailto:Vera.Vukelich@gov.bc.ca); Phone: 250 356-7040);
- ORV registration services of brokers: Tony Carpenetti, ICBC, Senior Business Analyst (Email: [tony.carpenetti@icbc.com](mailto:tony.carpenetti@icbc.com); Phone: 604 982-4518) or Norm Felix, Manager (Email: [Norm.felix@icbc.com](mailto:Norm.felix@icbc.com); Phone: 604 982-6544);
- ICBC insurance requirements on highways: John Kilpatrick, Manager (Email: [John.Kilpatrick@icbc.com](mailto:John.Kilpatrick@icbc.com); Phone: 604 982-4354);
- Incidental use of ORVs on highways under the *Motor Vehicle Act*: Alan Callander, MTI, Manager (Email: [Alan.Callander@gov.bc.ca](mailto:Alan.Callander@gov.bc.ca); Phone: 250 356-5563);
- ORVs used on recreation sites and trails (Crown land): John Hawkings, FLNR, Director (Email: [John.Hawkings@gov.bc.ca](mailto:John.Hawkings@gov.bc.ca); Phone: 604 898-2105);
- ORVs used on Resource Roads, including Forest Service Roads and parking lots: Lyle Knight, FLNR, Manager (Email: [Lyle.Knight@gov.bc.ca](mailto:Lyle.Knight@gov.bc.ca); Phone: 250 558-1784);
- Approach to compliance and enforcement under the *ORV Act*: Kevin Bertram, FLNR, Deputy Director (Email: [Kevin.Bertram@gov.bc.ca](mailto:Kevin.Bertram@gov.bc.ca); Phone: 250 356-5107); or
- ORV sales tax: Joel Fairbairn, MFin, Manager of Consumer Taxation Program Services (Email: [Joel.Fairbairn@gov.bc.ca](mailto:Joel.Fairbairn@gov.bc.ca); Phone: 250 387-1118) or please call Ministry of Finance toll free at 1 877 388-4440 if you have further questions about the application of PST to ORVs, or email [CTBTaxQuestions@gov.bc.ca](mailto:CTBTaxQuestions@gov.bc.ca).

For your reference, the requirement for ICBC to collect a tax on vehicles under the *Motor Vehicle Act* (for on-highway vehicles) the former *Motor Vehicle (All Terrain) Act* and the new *ORV Act* is based on provisions within tax legislation. The Ministry of Finance prepared a Provincial Sales Tax (PST) Notice ([http://www.sbr.gov.bc.ca/documents\\_library/notices/notice\\_2013-011.pdf](http://www.sbr.gov.bc.ca/documents_library/notices/notice_2013-011.pdf)) to explain how the provincial sales tax applies to ORVs, as well as, another bulletin about PST and non-residents ([http://www.sbr.gov.bc.ca/documents\\_library/bulletins/pst\\_309.pdf](http://www.sbr.gov.bc.ca/documents_library/bulletins/pst_309.pdf)).

Please be assured that the 47 recommendations tabled by stakeholders to government in 2006 has played a key role in guiding the path for moving forward on improving ORV management in BC. For your reference, I have attached the draft response which is being discussed with ORV JAG members during our upcoming call this month (please note: this draft is also being reviewed by other government staff, such as Recreation Sites and Trails Branch, to ensure I have appropriately captured the status of their work):



FLNR response to  
ORV Coalition...

Bill 13 (2014) included an amendment to Section 5 of the *Special Accounts and Appropriation and Control Act* related to an ORV Trail Management Sub-account of the Forest Stand Management Fund to allow a portion of fees under the *ORV Act* (which would be approved by Treasury Board) to be directed to ORV trails and that FLNR's Recreation Sites and Trails Branch would administer the funds. On June 1, 2015, the *ORV Act* came into force but not the amendment to Section 5 of the *Special Accounts and Appropriation and Control Act*. Currently, under the *ORV Act*, there is no revenue directed to this fund because ORV registration is one-time and user-pay.

To provide additional context regarding the approach to funding ORV trail development, I have also attached the ministry's past response to the BC Snowmobile Federation:



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to BCSF HART, p...

In terms of your request for an in-person meeting between motorsport stakeholders and the Premier, Minister Stone and Minister Thomson, I have been informed by other stakeholder associations on ORV JAG (e.g. ATV BC and the BC Wildlife Federation) that they would like to discuss the content and approach in your March 2015 prior to any meeting being scheduled. In addition, I understand that other associations, such as the BC Grasslands Conservation Council and the BC Cattlemen's Association, that were also a party to the 2006 recommendations to government would like an opportunity to comment on progress. As a result, the ministry will wait to hear back from the ORV JAG stakeholder associations regarding next steps.

Thank you again for taking the time to write, your active participation on ORV JAG and your efforts to advance the interests of the recreational off road motorcycle sector in British Columbia.

Sincerely,  
Vera Vukelich

Manager responsible for ORVs

Ministry of Forests, Lands and Natural Resource Operations

Information about the *ORV Management Framework*: <https://www.for.gov.bc.ca/mof/orv/>

.CC Honourable Premier Christy Clark

Honourable Todd Stone, Minister of Transportation and Infrastructure

Honourable Steve Thomson, Minister of Forests, Lands and Natural Resource Operations

Copy of incoming letter:



BCORMA March  
2015 Ltr\_MCCLE...

Copy of stakeholder report with the 47 recommendations:



ORV Coalition  
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ORV Coalition Recommendations to Government (December 2005)		FLNR's Preliminary Response (as of July 30, 2015)
<b>Legislation</b>		
<p><b>Recommendation #1:</b> develop and pass an Off-Road Vehicle Act (ORV Act) for British Columbia that replaces the existing, antiquated and incomplete Motor Vehicle (All Terrain) Act where key requirements concerning ORV use will be provided in one law to foster awareness of legal requirements including enforcement provisions; the ORV Act would be responsive to different types of ORVs (e.g. snowmobiles, all-terrain vehicles or ATVs, motorized dirt bikes) where appropriate.</p> <p><b>Recommendation #2:</b> engage the ORV Coalition and its partners in the development and legislative review of the new ORV Act and regulation(s) and other related legislative changes.</p>	<p>✓</p> <p>✓</p>	<p>In Fall 2009, the ORV Management Framework was announced (<a href="https://www.for.gov.bc.ca/mof/orv/">https://www.for.gov.bc.ca/mof/orv/</a>)</p> <p>During consultation with stakeholder associations in 2010-11, it soon became apparent that the outdated <i>Motor Vehicle (All Terrain) Act</i> could not accommodate different rules for different types of ORVs or situations, the enforcement tool were ineffective and there was no ability to exclude private lands.</p> <p>On March 24, 2014, the <i>Off Road Vehicle (ORV) Act</i> achieved Royal Assent and is being implemented in stages (<a href="https://news.gov.bc.ca/stories/orv-legislation-will-keep-bcs-backcountry-safe">https://news.gov.bc.ca/stories/orv-legislation-will-keep-bcs-backcountry-safe</a>).</p> <p>On June 1, 2015, the <i>Motor Vehicle (All Terrain) Act</i> was repealed and the <i>ORV Act</i> has come into force. Under the new ORV Act:</p> <ul style="list-style-type: none"> <li>• More effective enforcement tools such as ability to stop, inspect and seize ORVs; increased maximum fine for offences from \$500 to \$5,000.</li> <li>• New regulation-making powers to make laws for different classes of ORVs, persons and situations.</li> </ul> <p>November 1, 2015 is the date targeted for regulations under the ORV Act for laws related to safety and mandatory registration.</p> <p>Through extensive dialogue with stakeholders, agencies and ministries over the years, we have learned that ORV issues are complex and achieving consensus among the range of parties was challenging. As time progressed, we also found that there were many aspects of shared interest and a common ground. The result of this hard work was the ORV Management Framework and the new <i>ORV Act</i>.</p> <p>ORV JAG was established in June 2010 by FLNR to provide a forum for 20 stakeholder associations to review, in confidence, the proposed policy for proposed laws under the ORV legislation.</p> <p>ORV JAG adopts a round-table approach, with each stakeholder member having an equal voice – consensus is welcome but not required. Any FLNR staff-level discussions or document tabled at JAG is not necessarily representative of the final position which may be taken in respect of a matter and is subject to change.</p> <p>Policy decisions about the ORV framework are made by the Minister-MLA ORV Committee. Decisions about proposed regulations under the <i>ORV Act</i> are made by Cabinet and are subject to Cabinet Confidentiality.</p>
<b>Vehicle Registration (on Crown land)</b>		
<p><b>Recommendation #3:</b> require a single, one-time registration of all ORVs at time of purchase/transaction that records ownership and provides for its visible identification (through a decal or plate)</p>	<p>✓</p>	<p>ORV registration is one-time, user-pay and the cost is low as possible for rural families and small businesses.</p> <p>On November 17, 2014, the voluntary registration period commenced and was extended to October 31, 2015.</p>



ORV Coalition Recommendations to Government (December 2005)	FLNR's Preliminary Response (as of July 30, 2015)
<p>where it is not already provided for under the Motor Vehicle Act</p>	<p>Note: as of July 1, 2015, approximately 29,000 ORVs have registered voluntarily under the <i>ORV Act</i>.</p> <p>Starting on November 1, 2015, ORV registration will be mandatory for use or operation on Crown land. ORV owners will have the choice of a registration number plate or sticker to be affixed to the vehicle and clearly visible (e.g. on the front, back or left side). The details of the regulations for registration are still under development.</p> <p>When stickers become available during mandatory registration, please ensure it is affixed to something that may be removed if you sell your ORV. It has been our experience that the stickers used for the manual snowmobile registry under the previous <i>Motor Vehicle (All Terrain) Act</i> created challenges for some ORV owners when they sold their vehicle without removing the sticker and the new owner failed to re-register. Failing to remove the sticker may result in the previous registered owner receiving violation tickets for offences committed by the new owner. Consequently, plates that are easily removed without damaging a vehicle paint-job upon transfer of ownership continue to be the preferred option for many ORV owners. For those that opt for a plate and have concerns about the metal edge, a license plate frame has been used.</p> <p>It was anticipated that owners of older ORVs may not have a copy of their sales receipt or other documentation to prove ownership. So, similar to on-highway vehicles, ICBC requires a statutory declaration from ORV owners (this also helps ensure stolen ORVs are not registered). Please note that multiple ORVs owned by the same person may be included on one statutory declaration form as a cost savings. A Notary Public or Service BC, who have agents that are Commissioners for taking Affidavits, can provide this service. I understand that Service BC charges \$15.</p> <p>For your reference, the requirement for ICBC to collect a tax on vehicles under the <i>Motor Vehicle Act</i> (for on-highway vehicles) the former <i>Motor Vehicle (All Terrain) Act</i> and the new <i>ORV Act</i> is based on provisions within tax legislation. The Ministry of Finance prepared a Provincial Sales Tax (PST) Notice (<a href="http://www.sbr.gov.bc.ca/documents_library/notices/notice_2013-011.pdf">http://www.sbr.gov.bc.ca/documents_library/notices/notice_2013-011.pdf</a>) to explain how the provincial sales tax applies to ORVs, as well as, the bulletin about PST and non-residents (<a href="http://www.sbr.gov.bc.ca/documents_library/bulletins/pst_309.pdf">http://www.sbr.gov.bc.ca/documents_library/bulletins/pst_309.pdf</a>). For more information, please call Ministry of Finance toll free at 1 877 388-4440 if you have further questions about the application of PST to ORVs, or email <a href="mailto:CTBTaxQuestions@gov.bc.ca">CTBTaxQuestions@gov.bc.ca</a>.</p> <p>As agreed at ORV JAG, any implementation issues raised by member associations related to ICBC's registration services, including its brokers, to be directed to ICBC members on ORV JAG. This approach has been successful for ATV BC and BCWF.</p>

ORV Coalition Recommendations to Government (December 2005)	FLNR's Preliminary Response (as of July 30, 2015)
<p><b>Recommendation #4:</b> mandate the Insurance Corporation of BC (ICBC) to register all ORVs</p> <p><b>Recommendation #5:</b> require that the cost for registration and issuance of plate/decals not exceed current comparable cost of vehicles registered under the Motor Vehicle Act.</p> <p><b>Recommendation #6:</b> provide in law a one-year transition period of no-cost ORV registration as an incentive for all ORV owners to register their ORV.</p>	<p>✓ ICBC is identified in both the repealed <i>Motor Vehicle (All Terrain Act)</i> and the new <i>ORV Act</i> to deliver ORV registration services.</p> <p>✓ <i>Under the Motor Vehicle Act</i>, the cost of a certificate of registration is \$30 and a number plate is \$18 for a total of \$48.</p> <p>Under the <i>ORV Act</i>, a Certificate of Registration and accompanying number plate or decal is a total of \$48. ORV registration is user-pay and one-time.</p> <p>Cost benefits of ORV registration includes:</p> <ul style="list-style-type: none"> <li>• To better track stolen ORVs, ICBC's manual registration is replaced with a systems upgrade that allows officers to access vehicle data 24/7.</li> <li>• A modern registration scheme assists officers in identifying reckless ORV riders that endanger others, damage the environment or harm animals.</li> <li>• It also helps with search and rescue efforts in finding lost or injured ORV riders when the abandoned ORV is found first.</li> <li>• Registration under the <i>ORV Act</i> is deemed registration under the <i>Motor Vehicle Act</i> and the ORV Plate is deemed to be the same as a license plate (no additional costs).</li> </ul> <p>ORV registration is one-time and user-pay – it is not subsidized by taxpayers. Keeping the user-pay registration cost as low as possible at \$48 was also recognized by ORV JAG members as an incentive for ORV riders to register under the <i>ORV Act</i>.</p>
<p><b>Annual Vehicle Licensing (on Crown land)</b></p>	
<p><b>Recommendation #7:</b> require annual licensing of all ORVs used on public land for public (non-commercial) recreation, where a small sticker would be placed on the registration decal or plate as proof of annual licensing.</p> <p><b>Recommendation #8:</b> require that annual license fees for ORV vehicles be designed so that affordable discount packages are available for individuals and families who own several ORVs, and where consideration is given to discount fees for short-term use.</p> <p><b>Recommendation #9:</b> not require ORV licensing for already tenured commercial recreation or non-recreational uses or for use exclusively on private or reserve lands; a distinctive registration decal or plate can be provided for these uses where no licensing is required.</p> <p><b>Recommendation #10:</b> recognize in legislation and policy that the attributes of an effective license system.</p>	<p>One-time, user-pay registration was supported whereas an annual license for the general use of ORVs on Crown land was not supported (e.g. BC Wildlife Federation opposed an annual fee). In addition, one time registration helps keep costs low for rural families and small businesses.</p> <p>A user-pay approach was supported where trails are being maintained (e.g. trail fees for snowmobile groomed trails managed by Recreation Sites and Trail Branch).</p> <p>Under the <i>ORV Act</i>, an annual permit option for specific areas of Crown land is available at a future date – the merit of these annual permits and how they link to the current FRPA trail pass system for Recreation Sites and Trails to be discussed as part of the Provincial Trails Strategy.</p>

ORV Coalition Recommendations to Government (December 2005)	FLNR's Preliminary Response (as of July 30, 2015)
<p><b>Recommendation #30:</b> design the ORV license system in a manner that it links efficiently and effectively with the provincial trail pass (and other incentives like insurance) to make it easy for ORV riders to obtain.</p>	
<p><b>Trust Fund</b></p>	
<p><b>Recommendation #11:</b> establish in law that all of the revenue collected as part of the licensing of ORVs, with the exception of administrative costs, be dedicated to a Trust Fund, to be administered by a board.</p> <p><b>Recommendation #12:</b> require that the majority of funds be proportionally distributed to provincial ORV riding organizations for disbursement to local clubs, while some funds may be authorized by the board for projects.</p> <p><b>Recommendation #13:</b> require that the Trust Fund be managed by a board of riders and non-riders.</p> <p><b>Recommendation #14:</b> require that the Trust Fund board be supported by non-voting technical agency representation.</p> <p><b>Recommendation #15:</b> establish explicit rules to govern the Trust Fund.</p> <p><b>Recommendation #39:</b> enable the Trust Fund to be used, in partnership with the provincial government, in a manner that helps ensure volunteer wardens are appropriately trained, equipped and funded</p> <p><b>Recommendation #27:</b> require that any Trust Funds used by ORV groups for new trail development will be used for trail development and planning that is done responsibly.</p> <p><b>Recommendation #28:</b> recognize that a portion of Trust Funds can be used for maintenance and enhancement of trails.</p> <p><b>Recommendation #43:</b> enable the Trust Funds to be used by local riding clubs to partner with other groups to rehabilitate an area should there be damage to the environment (as defined by government).</p>	<p>There is no annual licensing under the ORV Act.</p> <p>Bill 13 included an amendment to Section 5 of the <i>Special Accounts and Appropriation and Control Act</i> to include an ORV Trail Management Sub-account of the Forest Stand Management Fund to allow a portion of fees under the ORV Act (which are approved by Treasury Board) to be directed to ORV trails and that the Recreation Sites and Trails Branch would administer the funds.</p> <p>On June 1, 2015, the ORV Act came into force but not the above amendment to Section 5 of the <i>Special Accounts and Appropriation and Control Act</i>.</p> <p>Currently, under the ORV Act, there is no revenue directed to the above fund because ORV registration is user-pay.</p> <p>In future, under the <i>ORV Act</i>, a source of revenue may be the annual permits to access specific Crown land areas – the merit of these annual permits and how they link to the current FRPA trail pass system for Recreation Sites and Trails to be discussed as part of the Provincial Trails Strategy.</p>
<p><b>Management Issues</b></p>	
<p><b>Recommendation #16:</b> develop, in partnership with the Trust Fund board (or ORV Coalition until the board is in place), a comprehensive communication strategy regarding new ORV management framework.</p>	<p>Once the remaining ORV Act Regulations are approved by Cabinet, education and outreach materials will be developed (e.g. update websites, brochures etc). Implemented via various program areas such as ORV, Recreation Sites and Trails, Resource Roads etc.</p>

ORV Coalition Recommendations to Government (December 2005)		FLNR's Preliminary Response (as of July 30, 2015)
<b>Safety</b>		
<p><b>Recommendation #17:</b> require use of helmets designed to an appropriate safety standard for all recreational riders on public land</p>	✓	<p>Targeted for November 1, 2015 - to be included in safety regulations under the ORV Act.</p>
<p><b>Recommendation #18:</b> require ORV riders to be a minimum 16 years of age and hold a valid driver's license if using public road (i.e., highway) right-of-way including road crossings.</p>	✓	<p>Aligns with the current driver's license requirements under the <i>Motor Vehicle Act</i>.</p>
<p><b>Recommendation #19:</b> clarify public and resource road designations (e.g., Forest Service Roads) on maps and in the field so that ORV riders can better comply with legal requirements.</p>		<p>Defer to MTI (re highways that look like forestry roads) and FLNR Engineering and NRRA staff re resource roads (note: this issue on Crown land will likely be resolved once the NRRA comes in and the rules on FSRs and other resource roads are the same).</p>
<p><b>Recommendation #20:</b> promote use of the manufacturer's recommendations to guide ORV use (e.g., age, height) in partnership with provincial ORV riding organizations</p>	✓	<p>Targeted for November 1, 2015 - to be included in safety regulations under the ORV Act.</p>
<p><b>Recommendation #21:</b> strongly encourage, in partnership with provincial ORV riding organizations, that young riders under 16 years of age be under direct adult supervision, with the exception of riders 12-15 years of age who have completed a safety course where riding unsupervised may be appropriate.</p>	✓	<p>Motorsport associations on ORV JAG has supported an exemption for youth 14-15 years of age who have completed a safety course where riding unsupervised.</p>
<p><b>Recommendation #22:</b> require user third party liability insurance for public recreational ORV use on trails where it is deemed necessary by the government authority responsible for the trail.</p>		<p><i>There are no new insurance requirements under the ORV Act. The ORV Act has regulation-making powers if insurance is supported at a future date.</i>                      Status quo on Forest Service Roads for decades is 3<sup>rd</sup> party liability insurance of \$200,000. It is proposed under the NRRA that all other resource roads on Crown land would also be the same as Forest Service Roads re insurance.</p>
<p><b>Recommendation #23:</b> provide incentives to encourage ORV operators to acquire third party liability insurance in other areas</p>	N/A	<p>Private insurance companies make decisions about incentives and set the price for third party liability insurance on Crown land.</p>
<p><b>Recommendation #24:</b> make the necessary legislative amendments to allow a single insurance provider to be able to meet a rider's insurance needs for both off-road use as well as incidental public road (highway) use.</p>	✓	<p>ICBC is mandated by government under the <i>Insurance Corporation Act</i> to provide basic insurance to vehicle owners on MVA highways. Those seeking additional insurance coverage (for example, for a Forest Service Road) have the option to purchase that separately either from ICBC or a private insurer. Insurance premiums are set by individual insurers. ORV owners typically shop around for the best price for the FSR 3<sup>rd</sup> party liability insurance.</p>
<p>For information about Basic Insurance coverage, please refer to the following website:  <a href="http://www.icbc.com/autoplan/basic/Pages/default.aspx">http://www.icbc.com/autoplan/basic/Pages/default.aspx</a></p>		
<p>Note: vehicle insurance rates for MVA highway use are applied for</p>		

<b>ORV Coalition Recommendations to Government (December 2005)</b>	<b>FLNR's Preliminary Response (as of July 30, 2015)</b>
<p><b>Recommendation #25:</b> prohibit operators from riding while impaired by drugs or alcohol.</p> <p><b>Recommendation #26:</b> require use of headlight and tail light on ORVs used at night.</p>	<p>by ICBC and the BC Utility Commission approves the rates. The \$25 premium for Basic Insurance factors in seasonal use and administrative costs; therefore the policy is established as an annual non-refundable policy. Limiting coverage to 'on-highway only' allows for the lowest cost possible for all ORV owners when accessing the highway for incidental use.</p> <p>✓ Already addressed under the <i>Criminal Code of Canada</i>. Refer to Section 253(1) re "Operation while impaired" and Section 259 (1) re "Mandatory order of prohibition".</p> <p>✓ To be included in safety regulations under the ORV Act.</p>
<b>Trails</b>	
<p><b>Recommendation #29:</b> make provisions in ORV legislation that trails may be prescribed as part of a provincial trail pass system by ORV type.</p> <p><b>Recommendation #31:</b> require that the provincial trail pass acknowledges differences between winter and summer trail use.</p> <p><b>Recommendation #32:</b> allow for use of public road (highway) use (including right of way) where safe to do so in areas identified and designated by government as part of an approved ORV trail</p> <p><b>Recommendation #33:</b> provide funding to help ensure incidental public road use is done safely (e.g. identify and sign crossings) in consideration of the gas tax paid by ORV riders</p>	<p>Refer to Provincial Trails Strategy and mandate of FLNRs Recreation Sites and Trails Branch.</p> <p>✓ Further amendments to the <i>Motor Vehicle Act Regulation</i>, Division 24, are targeted by MTI for fall 2015.</p> <p>Under the MVA, the \$23 annual license fee for ORVs is applied to the general maintenance of highways (e.g. new signage).</p> <p>Requests for a portion of the gas tax to be directed to the Ministry of Finance.</p>
<b>Compliance and Enforcement</b>	
<p><b>Recommendation #34:</b> designate and resource the Conservation Officer Service to have the lead responsibility for compliance and enforcement of ORVs</p> <p><b>Recommendation #35:</b> define ORVs in legislation in a manner that is broad enough to capture new technologies</p> <p><b>Recommendation #36:</b> develop a clear list of infractions in legislation.</p> <p><b>Recommendation #37:</b> ensure adequate prosecutorial and administrative tools including clear prosecutable offences and associated fines to help ensure effective compliance and enforcement.</p> <p><b>Recommendation #38:</b> direct agencies with</p>	<p>FLNR is responsible for the <i>ORV Act</i> and is the lead C&amp;E agency for ORVs used or operated on Crown land. The COS is a partner with FLNRs C&amp;E Branch, along with local police and RCMP.</p> <p>✓ The <i>ORV Act</i> has the regulation-making authority to identify a wide range of classes of ORVs. The <i>ORV Regulation</i> defines a range of ORVs.</p> <p>✓ Part 4 of the <i>ORV Act</i> includes the compliance and enforcement provisions to address infractions and this will also apply to any regulations.</p> <p>✓ This is reflected in the <i>ORV Act</i> and will be in the regulations. Regulations under the <i>Offence Act</i> will also be amended to include updated violation tickets for offences.</p> <p>✓ Ongoing.</p>

<b>ORV Coalition Recommendations to Government (December 2005)</b>		<b>FLNR's Preliminary Response (as of July 30, 2015)</b>
<p>provincial enforcement responsibilities related to ORVs to develop a Memorandum of Understanding (MOU) amongst themselves, and with the RCMP, with provincial riding organizations, and other applicable stakeholders, that clarifies how each party will work with the others to encourage compliance and enforcement of the new ORV Act, including clear "observe, record, report" guidelines.</p>		<p>The approach to C&amp;E for ORVs has been developed by FLNRs C&amp;E Branch in collaboration with the Conservation Officer Service, local police and the RCMP. The approach is updated annually and incorporated into regional C&amp;E workplans.</p> <p>C&amp;E Branch representatives at ORV JAG are also working with provincial motorsport associations and other applicable stakeholders to encourage compliance with the ORV Act and other laws on Crown land.</p>
<p><b>Conservation</b></p> <p><b>Recommendation #40:</b> provide solid, clear legislation, in consultation with stakeholders, to provide effective underpinnings for environmental protection from public recreational use that causes damage to the environment (as defined by government), where that legislation will have links with the new ORV Act</p> <p><b>Recommendation #41:</b> prohibit malicious or damaging behaviour to the environment, wildlife, livestock and/or resource features from ORV use</p> <p><b>Recommendation #42:</b> require that ORV riders must stay on existing, visible roads and trails in sensitive habitats (as defined by government) unless authorized by government to leave the road or trail's hardened surface</p> <p><b>Recommendation #44:</b> require on public land that muffler and exhaust system be kept in good working order and not be allowed to exceed 96 db as measured by approved industry standards; and promote use of spark arrestor mufflers through incentives and education.</p> <p><b>Recommendation #45:</b> continue to enable local government and trail managers to be able to address noise via by-laws and rules.</p> <p><b>Recommendation #46:</b> endorse and/or promote the policy that "if you pack it in, you pack it out" in partnership with provincial ORV riding organization</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>	<p>Under the <i>ORV Act</i>:                      Section 17(1)(a), A person must not use or operate an ORV in a careless, reckless or negligent manner that may damage property.                      Section 26(3)(a) A person who contravenes Section 17(1) commits an offence and is liable on conviction to a fine of not more than \$5 000 or to imprisonment for not more than 6 months, or to both.                      Section 32, can prohibit or regulate areas of Crown land to address environmental damage.</p> <p>FRPA, Section 46 is also available.                      Via targeted C&amp;E in problem areas, land use tools such as FRPA, Section 46, Wildlife Act closures and <i>ORV Act</i>, Section 32 (which can prohibit or regulate ORVs in areas of Crown land).</p> <p>This is done a case-by-case basis via land use closure tools, improved enforcement tools (e.g. <i>ORV Act</i>) and targeted C&amp;E.</p> <p>The requirement for spark arrestors and 96db province-wide is not in place at this time.                      Under s.12(2) of the <i>Offence Regulation</i> under the <i>Wildfire Act</i>, a \$230 fine applies if an ORV rider fails to comply with order restricting activity or use, which includes the requirement for spark arrestors. In terms of 96db, municipalities may enact noise bylaws.</p> <p>Supported by government.</p> <p>Promoted by resource ministries.</p>
<p><b>Recommendation #47:</b> recognize that emission standards on ORVs be federally controlled given its effect on manufacturers</p>	<p>✓</p>	<p>Supported by BC government</p>



## Provincial Sales Tax (PST) Notice

Notice 2013-011

Issued: August 2013  
Revised: December 2014

### Notice to Off-Road Vehicle Owners

*Provincial Sales Tax Act*

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Latest Revision: The revision bar ( | ) identifies changes to the previous version of this notice dated November 2014. For a summary of the changes, see Latest Revision at the end of Page 2.

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This notice explains how the PST applies to off-road vehicles (ORVs), including snowmobiles, ATVs and dirt bikes purchased or received as a gift in BC or acquired outside BC and brought into BC.

You must pay PST on ORVs you purchase, lease or receive as a gift in BC, and ORVs you purchase, lease or receive as a gift outside BC and bring into the province, unless a specific exemption applies.

The PST applies regardless of whether or not the ORV is required to be registered.

If you acquire an ORV from a seller or lessor who is registered to collect PST, the seller or lessor will collect any PST payable on the ORV.

If you acquire an ORV from another person in BC, or you acquire an ORV outside of BC and then bring, send or receive delivery of the ORV in BC, you must self-assess or pay any PST payable to the Insurance Corporation of British Columbia (ICBC) at the time of registration.

If you have already purchased, received as a gift or brought an ORV into BC and have not yet paid PST, you must self-assess or pay any PST payable to ICBC at the time of registration.

For more information about PST payable on vehicles, including ORVs, and claiming exemptions on vehicles, see **Bulletin PST 308, PST on Vehicles**.

#### **Tax Rates and Payment Information**

If you purchase an ORV at a private sale, you must pay PST at the rate of 12% of the purchase price. This includes purchases you make outside BC and bring into the province, and purchases you made previously without paying PST. In the case of ORVs from outside BC, PST is payable on the depreciated purchase price at the time the ORV enters BC. For information on depreciated purchase price, see **PST Bulletin 308, PST on Vehicles**.

If you receive an ORV as a gift from a person other than a GST registrant providing a taxable supply, either in BC or outside BC but within Canada, you must pay PST at the rate of 12% of the fair market value of the ORV.

If the ORV was acquired as a taxable supply from a GST registrant (e.g. ORV dealer) in BC or outside BC but within Canada, or you bring the ORV into BC from outside Canada (regardless of whom it was acquired from), you must pay PST at the rate of 7% of the purchase price. In

the case of ORVs from outside BC, PST is payable on the depreciated purchase price at the time the ORV enters BC.

If you must register the ORV, ICBC will collect the PST at the time of registration if PST has not yet been paid. Otherwise, you must self-assess the PST payable using the *Casual Remittance Return* (FIN 405) and include a copy of the bill of sale with your payment.

If you acquire an ORV from a seller or lessor who is registered to collect PST, you must pay any PST payable to the seller or lessor.

### **ORVs Acquired Before April 1, 2013**

PST of 12% applies to ORVs acquired at a private sale:

- in BC on or after July 1, 2010 and before April 1, 2013, and
- outside BC but within Canada and brought into BC on or after July 1, 2010 and before April 1, 2013.

If you must register the ORV, ICBC will collect PST at the time of registration if PST has not yet been paid. Otherwise, you must self-assess the PST payable using the *Casual Remittance Return* (FIN 405) and include a copy of the bill of sale with your payment.

You may be required to pay the provincial portion of the HST on that ORV if the applicable tax has not been paid for ORVs acquired:

- at a sale that is a taxable supply from a GST registrant (e.g. ORV dealer) outside BC but within Canada and brought into BC on or after July 1, 2010 and before April 1, 2013, or
- brought into BC from outside Canada on or after July 1, 2010 and before April 1, 2013.

For more information, please contact us (see Further Information below).

For ORVs acquired or brought into BC before July 1, 2010, the 7% provincial sales tax (under the *Social Service Tax Act*) applies. If you did not pay PST at the time of purchase or bringing it into BC, you must self-assess the tax payable using the *Casual Remittance Return* (FIN 405) and include a copy of the bill of sale with your payment. You will not be required to pay the PST at the time of registration.

### **Further Information**

If you have any questions, please call us toll free at 1 877 388-4440 or email your questions to [CTBTaxQuestions@gov.bc.ca](mailto:CTBTaxQuestions@gov.bc.ca)

You can also find information on our website at [gov.bc.ca/pst](http://gov.bc.ca/pst)

The information in this notice is for your convenience and guidance and is not a replacement for the legislation. You can access the legislation and regulations on our website under **Publications**.

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#### **Latest Revision**

December 2014

- Provided a reference for more information about the depreciated purchase price
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## Frequently Asked Questions

### Documentation Required to Prove Payment of Tax on ORVs

If you purchased the ORV in BC, brought it into BC, or received an ORV as a gift, on or after July 1, 2010 and did not pay tax, you will be required to pay the applicable sales tax at the time of registration, unless a specific exemption applies. Similar to other vehicles, ICBC will collect any tax owing at the time of registration.

#### What am I required to provide to the ICBC agent as evidence I paid tax on my ORV?

The following outlines what documentation to provide to the ICBC agent at the time of registration as proof tax was paid on the ORV. The Ministry recommends owners of ORVs keep their documents for five years for audit purposes.

Purchased at a private sale	Purchased in BC or brought into BC	
	July 1, 2010 - March 31, 2013	On or after April 1, 2013
	<ul style="list-style-type: none"> <li>Documents from the Ministry of Finance confirming tax paid.</li> <li>If you did not keep these documents, then you or your broker can follow up with the ministry to confirm you self-assessed tax.</li> </ul>	<ul style="list-style-type: none"> <li>Documents from the Ministry of Finance confirming BC PST paid.</li> <li>If you did not keep these documents, then you or your broker can follow up with the ministry to confirm you self-assessed tax.</li> <li>Bill of sale from a BC PST registered seller (that is not a GST registrant) showing BC PST paid.</li> </ul>
Purchased from an HST/GST registrant (i.e. motor vehicle dealer)	Purchased in BC or brought into BC	
	July 1, 2010 - March 31, 2013	On or after April 1, 2013
	<ul style="list-style-type: none"> <li>Bill of sale from seller showing HST paid, or</li> <li>If you are unable to get a copy of the bill of sale from the dealership (i.e. the dealership is out of business), you will be required to provide a notarized statement about the purchase, including whom you purchased the ORV from and the payment of tax.</li> </ul>	<ul style="list-style-type: none"> <li>Bill of sale from seller showing BC PST paid, or</li> <li>If you are unable to get a copy of the bill of sale from the dealership (i.e. the dealership is out of business), you will be required to provide a notarized statement about the purchase, including whom you purchased the ORV from and the payment of tax.</li> </ul> <p><b>Please note:</b> For ORVs purchased on or after November 17, 2014, a notarized statement will not be accepted.</p>
Brought into BC from outside Canada	Purchased in BC or brought into BC	
	July 1, 2010 - March 31, 2013	On or after April 1, 2013
	<ul style="list-style-type: none"> <li>Record of payment of HST to Canada Border Services Agency (CBSA) or a copy of the import document indicating payment of tax.</li> </ul>	<ul style="list-style-type: none"> <li>Record of payment of PST to CBSA or a copy of the import document indicating payment of tax.</li> </ul>

#### Example 1

You purchased an ORV in October 2013 from a dealership in BC and paid PST at the time of purchase. When you register your ORV, you will not be required to pay PST provided you present your bill of sale to the ICBC broker.

#### Example 2

You purchased an ORV in Washington State and brought it into BC in December 2013. You paid the PST to CBSA. When you register your ORV, you will not be required to pay PST if you provide documentation indicating you paid PST at the time of importation.

#### **What if I do not have proof of payment of tax?**

ICBC has the authority to refuse to register your ORV if taxes under the *Excise Tax Act (Canada)*, *Consumption Tax Rebate and Transition Act* or the *Provincial Sales Tax Act* have not been paid. To register your ORV, you will need to provide proof of payment of tax or pay sales tax to ICBC. If you purchased your ORV, were gifted the ORV or brought it into BC on or after July 1, 2010, this will apply to you.

If you do not provide any documentation related to the ORV, you will be required to pay PST at the rate of 12% when you register it.

#### Example 1

You purchased an ORV from a dealership in Alberta, paying the GST at the time of purchase. In September 2014, you bring it into BC, without self-assessing the PST. At the time of registration, you will be required to pay PST at a rate of 7%.

#### Example 2

You purchased an ORV at a private sale in BC in May 2012 and did not self-assess tax to the Ministry of Finance on the purchase. As you did not self-assess tax, you will be required to pay PST at the rate of 12% at the time of registration.

#### **What if I received my ORV as a gift?**

If you received an ORV as a gift in BC, or you receive an ORV as a gift from outside BC and bring or send the ORV into the province, you must pay PST on the fair market value of the ORV, unless a specific exemption applies. For information on vehicle exemptions, including ORVs, see **Bulletin PST 308, *PST on Vehicles***.

#### **How would tax be calculated on my ORV at the time of registration?**

Tax is calculated based on the purchase price of the ORV, or in the case of an ORV received as a gift, the fair market value of the ORV. When you register your ORV, you will be required to declare the purchase price you paid for the ORV, or the fair market value of the ORV if received as a gift, on the vehicle transfer form. If the ORV was purchased and brought into BC from another jurisdiction within Canada, the tax is calculated based on the depreciated purchase price at the time the ORV entered BC.

**Does the Ministry of Finance review transactions?**

As with all vehicle transactions on which PST is owing, the ministry routinely reviews transfers of ORVs to ensure tax is paid as required. In doing so, the ministry may require information to support the purchase price you declare.

If you are unable to support the purchase price or fair market value claimed, you may be assessed additional PST on the ORV.



## PST and Non-Residents

### Provincial Sales Tax Act

Latest Revision: The revision bar ( | ) identifies changes to the previous version of this bulletin dated July 2014. For a summary of the changes, see Latest Revision at the end of this document.

This bulletin explains how the PST applies to non-residents of BC.

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### Definitions

In this bulletin:

- **goods** mean tangible personal property as defined in the *Provincial Sales Tax Act*. Tangible personal property is personal property that can be seen, weighed, measured, felt or touched, or is in any way perceptible to the senses, and includes:
  - affixed machinery
  - an improvement to real property or part of an improvement to real property that is removed from the site at which it is affixed or installed, while it is removed from that site.
  - electricity
  - heat
  - natural or manufactured gas
- **non-resident** means a person who:
  - does not reside, ordinarily reside or carry on business in BC, and
  - does not enter BC with the intention of residing or carrying on business in BC.

- **related services** are services provided to goods, or services provided to install goods

## **Purchases and Leases in BC**

As a non-resident, you must pay PST on the purchase price or lease price of all goods you purchase or lease in BC, unless a specific exemption applies (see Exemptions below).

**Please note:** Businesses that sell or lease taxable goods to non-residents in BC must charge and collect PST on these sales and leases.

## **Goods Brought Into BC**

### **Non-Resident Individuals**

Generally, if you are a non-resident individual, you are not subject to PST on goods you bring or send into BC, or goods you receive delivery of in BC, solely for non-business purposes.

However, the following non-resident individuals must pay PST on all goods they bring or send into BC, or receive delivery of in BC, if the goods are to be used **primarily** in BC and primarily for their own use, or for the use of another person at their expense, during the year following the entry of the goods:

- non-resident individuals who own real property in BC
- non-resident individuals who lease, as lessee, real property in BC if the term of the lease, including the cumulative total of all options and rights to extend or renew that lease, is at least five years

These non-resident individuals must self-assess the PST due. For information on how to calculate and self-assess the PST due, see **Bulletin PST 310, *Goods Brought Into BC***.

**Please note:** Non-resident individuals are **not** required to pay PST on boats and travel trailers they bring or send into BC, or receive delivery of in BC from outside BC, solely for non-business purposes.

### **Businesses**

Businesses must pay PST when they bring or send goods into BC, or receive delivery of goods in BC, for use in the course of their business, whether or not their business is carried on in BC.

For information on how to calculate and self-assess the PST due on these goods, see **Bulletin PST 310, *Goods Brought Into BC***.

### **Vehicles Registered in BC**

All non-residents who bring or send a vehicle into BC or receive delivery of a vehicle in BC must pay PST on the vehicle if they register the vehicle in BC for use in BC, unless a specific exemption applies. For more information, see **Bulletin PST 308, *PST on Vehicles***.

## **Related Services**

PST applies to the purchase of a related service provided or to be provided in BC, unless a specific exemption applies. The tax rate on related services is 7%. PST applies even if you (the purchaser) are a non-resident.

**Please note:** Related services provided in BC to goods that are brought or sent into BC for the sole purpose of having the related services provided are exempt from PST if, after the services are provided, the goods are immediately transferred out of BC for use outside BC.

For more information, including documentation requirements for the exemption mentioned above, see **Bulletin PST 301, *Related Services***.

## **Accommodation**

PST of 8% applies to sales of short-term accommodation provided in BC, unless a specific exemption applies. In addition to the 8% PST, the up to 3% municipal and regional district tax (MRDT) applies, on behalf of municipalities, regional districts and eligible entities, to sales of short-term accommodation provided in participating areas of BC.

As a non-resident, you must pay PST (and MRDT, if applicable) on all short-term accommodation provided in BC (i.e. no exemption applies to purchases of accommodation by non-residents).

For more information, see **Bulletin PST 120, *Accommodation***.

## **Legal Services**

For information on how PST applies to purchases of legal services by non-residents, see **Bulletin PST 106, *Legal Services***.

## **Software**

In this section, software means intangible software (e.g. provided over the Internet, including by email, FTP, download or other electronic means).

As a non-resident, unless a specific exemption applies, you must pay 7% PST on the purchase price of software if either of the following applies:

- You (the purchaser) are in BC and purchase software for use on or with an electronic device ordinarily situated in BC.
- You purchase software (anywhere, including outside of BC) and use that software on or with an electronic device ordinarily situated in BC, provided you are either:
  - a non-resident individual who owns real property in BC, or
  - a non-resident individual who leases, as lessee, real property in BC if the term of the lease, including the cumulative total of all options and rights to extend or renew that lease, is at least five years.

Stationary electronic devices, such as desktop computers or televisions, are ordinarily situated in BC if they are located at an address in BC.

Mobile electronic devices, such as mobile phones, are considered to be ordinarily situated in BC if they are assigned a BC area code (e.g. 250, 604, 778, 236). However, some mobile devices do not have an area code (e.g. a laptop or tablet). If there is no area code or the area code is not known, another method must be used to determine where the device is ordinarily situated, such as the billing address, IP address or address where the software is provided.

**Please note:** If you carry on business in BC, or enter BC with the intention of carrying on business in BC, and you purchase software for use both inside and outside BC, you may be eligible to pay a proportional amount of PST based on your use of the software in BC.

For more information, see **Bulletin PST 105, Software**.

## **Telecommunication Services**

PST applies to telecommunication services (e.g. phone, TV, Internet services) if the service is utilized by means of an electronic device that is ordinarily situated in BC (see **Software** above for information on when devices are ordinarily situated in BC).

For more information, see **Bulletin PST 107, Telecommunication Services**.

## **Exemptions**

### **Goods Shipped Outside BC**

If you purchase goods in BC, you are exempt from PST if:

- the goods are to be shipped by the seller for delivery outside BC, and
- no use is to be made of the goods by you while the goods are in BC except storage of the goods with the seller.

The first condition of this exemption is met if:

- the seller delivers the goods outside of BC themselves (e.g. in their own vehicle), or
- the seller contracts with a common carrier, delivery company, shipping company or forwarding agent to have the goods shipped to a location outside of BC. The common carrier, delivery company, shipping company or forwarding agent **must** be hired by the seller and cannot be a relative, friend, employee or other person sent or contracted by the purchaser to pick up and/or deliver the goods to a location outside of BC.

**Please note:** PST may apply if you later bring or send the goods into BC, or receive delivery of the goods in BC.

To support this exemption, collectors (i.e. sellers) must keep documentation that shows they delivered the goods outside the province, such as a bill of lading, third-party delivery documents or shipping invoices. Collectors may also use the *Out-of-Province Delivery Exemption (FIN 462)* to record the goods they delivered to a location outside BC. The FIN 462 is an optional form that may be used in addition to the required documentation described above.

### **Vehicles Purchased for Use Outside BC**

If you purchase a vehicle in BC for use outside BC, you are exempt from PST provided all the following criteria are met:

- the vehicle is a type that is eligible for registration under the vehicle registration legislation as defined in the *Provincial Sales Tax Act*,
- the vehicle is purchased for use primarily outside BC,
- the vehicle will not be used in BC for a business purpose,
- the vehicle will not be registered in BC, and
- if you are purchasing the vehicle as an individual, you are a non-resident.

To support this exemption, collectors must keep a completed *Certificate of Exemption – Purchase of Vehicle or Aircraft for Use Outside BC (FIN 440)* from the purchaser or lessee.

### **Aircraft Purchased for Use Outside BC**

If you purchase an aircraft in BC for use outside BC, you are exempt from PST provided all the following criteria are met:

- the aircraft is purchased for use primarily outside BC,
- the aircraft will not be used in BC for a business purpose, and
- if you are purchasing the aircraft as an individual, you are a non-resident.

To support this exemption, collectors must keep a completed *Certificate of Exemption – Purchase of Vehicle or Aircraft for Use Outside BC (FIN 440)* from the purchaser or lessee.

### **Other Exemptions**

Non-residents may be eligible for other exemptions if the goods qualify for a specific PST exemption (e.g. goods obtained solely for resale or lease, and goods incorporated into other goods for resale). For more information, see **Bulletin PST 200, *PST Exemptions and Documentation Requirements***.



### **Need more info?**

Online: [gov.bc.ca/PST](http://gov.bc.ca/PST)

Toll free in Canada: 1 877 388-4440

Email: [CTBTaxQuestions@gov.bc.ca](mailto:CTBTaxQuestions@gov.bc.ca)

Access our forms, publications, legislation and regulations online at [gov.bc.ca/PST](http://gov.bc.ca/PST) (go to **Forms** or **Publications**).

Subscribe to our **What's New** page to receive email updates when new PST information is available.

The information in this bulletin is for your convenience and guidance and is not a replacement for the legislation.

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#### **Latest Revision**

- April 2015

As a result of Budget 2015, the maximum MRDT rate increased from 2% to 3%.

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References: *Provincial Sales Tax Act*, sections 1 "accommodation", "collector", "electronic device", "legal services", "non-resident", "related service", "software", "tangible personal property", "telecommunication service", "use", "vehicle", 9, 10, 28, 29, 34, 35, 39, 49, 50, 52, 105, 106, 119, 122, 123, 126, 130, 141, 142, 145, 178, 179 and 192; *Provincial Sales Tax Exemption and Refund Regulation*, sections 24-26 and 73; *Provincial Sales Tax Regulation*, sections 10 and 17.





CERTIFICATE OF EXEMPTION FARMER

under the Provincial Sales Tax Act, Motor Fuel Tax Act and Carbon Tax Act

Responsibilities for Sellers/Lessors and Purchasers:

Sellers and Lessors - this certificate allows you to collect the information and declaration required under the Provincial Sales Tax Act, Motor Fuel Tax Act or Carbon Tax Act in order to provide a tax exemption to your customer.

If you do not receive a completed and signed certificate or the required information and declaration before the sale or lease, you must charge and collect provincial sales tax (PST), motor fuel tax or carbon tax as applicable. Failure to do so may result in an assessment, penalty and interest.

The seller/lessor must keep the completed certificate to show why they did not collect tax.

Purchasers - you are responsible for ensuring that you meet all the requirements for an exemption under the Provincial Sales Tax Act, Motor Fuel Tax Act or Carbon Tax Act. If you complete the certificate but you do not qualify for the exemption, you are responsible for paying the tax as applicable.

General Instructions:

- If you are a farmer with farm land, complete Part A and Part C.
Other farmers complete Part B and Part C on Page 2.
Additional sales or leases of the exempt items as indicated on this certificate that are acquired by the same purchaser or lessee may be made without collecting tax based on this certificate, providing all the information on this certificate remains correct.
For more information, visit our website at gov.bc.ca/pst or call us toll-free at 1 877 388-4440.

Freedom of Information and Protection of Privacy Act (FOIPPA)

The personal information on this form is collected for the purpose of administering the Provincial Sales Tax Act, Motor Fuel Tax Act and Carbon Tax Act under the authority of section 26(a) of the FOIPPA. Questions about the collection or use of this information can be directed to the Manager, Program Services, PO Box 9442 Stn Prov Govt, Victoria BC V8W 9V4 (telephone: toll-free at 1 877 388-4440).

PART A - FARMERS WITH FARM LAND

Farmers who own/lease or operate a farm on land classified as a farm under the Assessment Act may purchase certain items exempt of tax. As an alternative to this certificate, farmers may provide their valid BC Farm Identity Card to their supplier.

Property Tax Folio Number: \_\_\_\_\_

1. Coloured Fuel:

I am claiming an exemption under the Motor Fuel Tax Act and Carbon Tax Act for:

Coloured Fuel - I operate a farm on land classified as a farm and am purchasing coloured fuel for an authorized use in authorized machinery or in an authorized motor vehicle. Refer to Bulletin MFT-CT 003, Coloured Fuels, for a detailed explanation of authorized uses.

2. Propane:

I am claiming an exemption under the Motor Fuel Tax Act for:

Propane for Machinery or Motor Vehicles - I operate a farm on land classified as a farm and am purchasing propane for an authorized use in authorized machinery or in an authorized motor vehicle.

Propane for Farm Purposes Only - I own, lease or operate land classified as a farm and am purchasing propane for use solely for a farm purpose, other than in machinery or a motor vehicle (e.g. heating).

Propane for Both Farm and Residential Use - I own, lease or operate land classified as a farm and am purchasing propane for use only for a farm purpose and residential use in a residential dwelling.

Refer to Bulletin MFT 014, Propane Exemptions, for a detailed explanation of authorized exempt uses of propane.

3. Goods and Related Services:

I am claiming an exemption under the Provincial Sales Tax Act for:

Goods, Parts and Related Services - I own or lease land classified as a farm and am purchasing or leasing specifically listed goods for use solely for a farm purpose, or purchasing parts for specifically listed goods that are for use solely for a farm purpose or purchasing related services to specifically listed goods that are for use solely for a farm purpose. Refer to Bulletin PST 101, Farmers, for a detailed list of goods that can be purchased exempt of PST.

Electricity for Both Farm and Residential Use - I own or lease land classified as a farm and am purchasing electricity for use only for a farm purpose and residential use in a residential dwelling.

Complete the Certification in PART C on Page 2.

## PART B – OTHER FARMERS

Farmers who do **not** own/lease or operate a farm on land classified as a farm under the *Assessment Act* may be eligible for certain tax exemptions as a qualifying farmer if they meet one of the three categories below. Refer to Bulletin PST 101, *Farmers*, for more information on qualifying farmers.

I meet one of the following three categories of a qualifying farmer:

1.  I own or lease land and use less than 0.8 hectares of that land for one or more of the following qualifying activities and earned at least \$2,500 in gross income from those activities in the previous calendar year:
  - Bee keeping
  - Hog, poultry or rabbit farming
  - Growing mushrooms
  - Fur farming
  - Producing eggs
2.  **First Nations Farmers** – I am a First Nation individual as defined under the *Provincial Sales Tax Act* who is using First Nation land as defined under the *Provincial Sales Tax Act* for a qualifying agricultural use under the *Assessment Act*, and earned in the previous calendar year, at least \$2,500 in gross income from the qualifying use of the land.
3.  **Out-of-Province Farmers** – I use land outside of BC for a qualifying agricultural use under the *Assessment Act*, and in the previous calendar year (check (✓) one):
  - if the area of land is less than 0.8 hectares, earned at least \$10,000 in gross income from the qualifying use of the land
  - if the area of the land is 0.8 hectares or more but not more than 4 hectares, earned at least \$2,500 in gross income from the qualifying use of the land
  - if the area of the land is more than 4 hectares, earned gross income from the qualifying agricultural use of the land that is at least the total of \$2,500 plus 5% of the assessed value of the area of land in excess of 4 hectares, for the purpose of property taxation, in the jurisdiction in which the land is located

And I am claiming an exemption for:

- Goods, Parts and Related Services** – I am purchasing or leasing **specifically listed goods** for use solely for a farm purpose, or purchasing parts for specifically listed goods that are for use solely for a farm purpose or purchasing related services to specifically listed goods that are for use solely for a farm purpose. Refer to Bulletin PST 101, *Farmers*, for a detailed list of goods that can be purchased exempt of PST.
- Electricity or Propane for Both Farm and Residential Use** – I am purchasing electricity or propane for use only for a farm purpose and residential use in a residential dwelling (out-of-province farmers cannot claim this exemption).
- Propane for Farm Purposes Only** – I am purchasing propane for use solely for a farm purpose. The propane cannot be for use in a motor vehicle or machinery.

Refer to Bulletin MFT 014, *Propane Exemptions*, for a detailed explanation of authorized exempt uses of propane.

**Note:** Farmers described above in Part B may only claim an exemption for the items above. For example, you cannot purchase coloured fuel tax exempt.

## PART C – CERTIFICATION

By signing this form, I certify that the above information is correct. If the exempt items are used for any purpose other than the reason identified above, I will remit the tax due under the *Provincial Sales Tax Act*, *Motor Fuel Tax Act* or *Carbon Tax Act*, as applicable.

I acknowledge that if I make a false statement to avoid paying tax, the *Provincial Sales Tax Act*, *Motor Fuel Tax Act* and *Carbon Tax Act* charges a fine of up to \$10,000 and/or imprisonment up to two years, in addition to a penalty of 25% of the tax due and an assessment for the tax that should have been paid.

FULL LEGAL NAME

TELEPHONE NUMBER

( )

FARM ADDRESS (include street or PO box, city, province and postal code)

SIGNATURE

DATE SIGNED  
YYYY / MM / DD

X

**Vukelich, Vera FLNR:EX**

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**From:** Fairbairn, Joel FIN:EX  
**Sent:** Wednesday, January 28, 2015 9:49 AM  
**To:** Vukelich, Vera FLNR:EX  
**Subject:** RE: ORV Registration taxes

Will do

-----Original Message-----

**From:** Vukelich, Vera FLNR:EX  
**Sent:** Tuesday, January 27, 2015 8:38 PM  
**To:** Fairbairn, Joel FIN:EX  
**Subject:** Fw: ORV Registration taxes

Hi Joel, can you please follow up.

Thx,  
Vera

----- Original Message -----

**From:** s.22  
**Sent:** Tuesday, January 27, 2015 08:31 PM  
**To:** Vukelich, Vera FLNR:EX  
**Subject:** ORV Registration taxes

Hello,

I registered a <sup>s.22</sup> [redacted], [redacted], [redacted]. I fully expected to pay the PST but was surprised when I had to pay the PST and GST. The GST was paid when this was originally purchased, why did I have to pay it again?

Thanks in advance.

s.22

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Sent from my iPad

**Vukelich, Vera FLNR:EX**

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**From:** s.22  
**Sent:** Friday, January 30, 2015 6:31 PM  
**To:** Horgan.MLA, John LASS:EX; Vukelich, Vera FLNR:EX; Thomson.MLA, Steve LASS:EX; OfficeofthePremier, Office PREM:EX  
**Subject:** Fwd: FW: ATV licensing

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Hello Mr. John Horgan, As a representative of the Victoria Motorcycle club (270 members approx.) I would like to express my disapproval on behalf of the Club of the Provinces proposed requirement for us to display a 5 x 8 inch metal license plate on our motorcycles. Many other jurisdictions across North America require a decal to be displayed rather than a plate which is awkward to display on most motorcycle and in particular a trials motorcycle due to its small size. Here is a picture of the same bike that I own to give you an idea as to the issue

[http://sphotos-h.ak.fbcdn.net/hphotos-ak-prn1/665749\\_4371514779317\\_1551014851\\_o.jpg](http://sphotos-h.ak.fbcdn.net/hphotos-ak-prn1/665749_4371514779317_1551014851_o.jpg)

of mounting a plate ( there is effectively no area that is large enough to support a plate ) that our motorcycle community faces with the coming regulations. Further these plates would be an injury risk to all riders but in particular children riding the smallest machines due to the fact that the plate's offer a very sharp edge due to their manufacturing process .

Also the fact that a vast amount of the affected machines province wide have been bought and sold without proper receipts or payment of PST historically creates another problem for the community in proving ownership. Currently ICBC will require a notarized statutory declaration and payment of a staggering 12%PST(Was 7% before HST for private sales) on market value at time of purchase prior to registration.

The recommendation of stake holder groups was to waive the tax burden for initial registration and tax all future transactions. We have many members in our Club that own multiple machines, some well over 10, and this current legislation will be a heavy cost that ultimately will in some cases lead to tax avoidance or outright evasion of what appears to be a " tax grab" with no benefit back to local riders or Clubs . In summary this Legislation has been implemented with little consideration to those most affected by it , and provides next to no benefit.

Also I understand that there will not likely be any support back to off-roaders thru this Legislation with respect to land access, trail development etc.

I would like to suggest that BC use the model of other jurisdictions and provide appropriate gas tax refunds etc to help develop safe and practical access particularly here on south Vancouver island were private forest lands (now locked up) and rampant displacement by CRD parks acquisitions of traditional riding areas has made legal riding areas difficult to find without lengthy travel times.

Thanks for your attention to our issue John.

s.22

**Vukelich, Vera FLNR:EX**

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**From:** s.22  
**Sent:** Tuesday, February 3, 2015 4:38 PM  
**To:** Vukelich, Vera FLNR:EX  
**Subject:** ATV Registration

Dear Ms, Vukelich,

s.22 bought a used ATV<sup>s.22</sup> He and the seller filled and signed a Transfer Tax form.  
There is also a receipt signed by the seller.

s.22 I would like to have the title transferred in my name so I could register the  
ATV. I know that I need to have s.22 Is there  
anything else that I would need to register the ATV?

Sincerely yours,

s.22

**Vukelich, Vera FLNR:EX**

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**From:** s.22  
**Sent:** Tuesday, March 10, 2015 6:21 PM  
**To:** Vukelich, Vera FLNR:EX  
**Subject:** Orv registration

s.22 I would like to know who came up with the specifics of this program. I for one have no place to safely attach a licence plate to my<sup>s.22</sup> bike, nor do either of my children on their small and harmless<sup>s.22</sup> : bikes.  
Furthermore, WHY do I need liability insurance to unload mine and my children's bikes in a parking lot? What if I have to take a bike to the shop and the only place to park is out front on the street. It seems to me you and your people did not think this through. I for one am not supporting this and will definitely never vote to re elect you or your party.  
As far as riding on Crown land,I have always been under the impression that was owned by all of us Canadians to charge me to use said land should be a crime!!!  
Why aren't you licensing hikers too?!?! They could register their hiking boots. I have a pair of those too, would you like the serial number on those.  
This IS A STUPID CASH GRAB!!! Why don't you guys give us taxpayers a break or we won't have any money left to pay your FAT PENSIONS Sent from my iPad

## Vukelich, Vera FLNR:EX

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**From:** s.22  
**Sent:** Wednesday, April 8, 2015 10:36 PM  
**To:** Vukelich, Vera FLNR:EX  
**Subject:** Registering an older offroad motorcycle

Hello,

I am desperately trying to comply with your new requirement to register off road vehicles, and hopefully I am reaching the person that can help me.

I went into an Autoplan agency last weekend with the serial number off my <sup>s.22</sup> bike, expecting to register it, pay the fee, and leave. What I encountered was a person pointing at my piece of paper, saying it isn't good enough. I explained that I have owned the bike over <sup>s.22</sup> years and have no hope of producing a sales receipt, nor being able to even recall who I purchased the bike from. (was a private sale) She also said I needed the original purchase price, and I stated that I have owned it over <sup>s.22</sup> years, and she arrogantly stated, "did you pay taxes at that time?" That was the perfect cap of a frustrating attempt at complying with an impending new law.

I asked her what my options were, and she handed me two forms:

1: A bill of sale the previous owner would fill out, which requires the original bill of sale from the dealership when he purchased it new back in <sup>s.22</sup> If I could even locate the previous owner, there is no way he would have that receipt.

2: A statutory declaration form which I need to fill out and get notarized. Within that form, I need the seller's name, <sup>s.22</sup> years ago) description of documents to establish ownership which would have been a piece of paper handwritten, no serial number, and likely thrown out by me many years ago, and the original purchase date and price (I certainly don't remember what I paid)

Furthermore, this model of <sup>s.22</sup> bike had no warrantee, so the chance of a serial number being on the original sales receipt is doubtful. These bikes were never registered, so I have no means of tracking down previous owner(s).

So I look to you for some guidance as what I need to do to register a 31 year old motocross bike that may or may not have passed through several owners before I purchased it some <sup>s.22</sup> years ago. As you can well imagine, the two options currently available to me have huge holes in the information (ownership) that I am unable to locate or even prove.

With the thousands of old dirt bikes in our province with zero paper trails of ownership, certainly I am not the only person with this problem. I certainly have no problem providing the serial number and paying the registration fee.

Please help

s.22



**Vukelich, Vera FLNR:EX**

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**From:** s.22  
**Sent:** Friday, April 24, 2015 4:01 PM  
**To:** Vukelich, Vera FLNR:EX  
**Subject:** s.22 bikes and OHV act

Hello Vera, nice to chat with you this afternoon. I sensed that you felt the frustration in my tone that reflects that of the south Vancouver Island OHV user in general.

License and registration feels like a grab for people who are in a situation of severely diminishing, practical accessibility.

A lot of people I talk with frequently ask if there is anything in the way of improved access coming as a result of the fee's that are going to be paid , what I hear from you is that that was not a part of the discussion what so ever. I know now that your ministry is not responsible for this aspect. And I will search elsewhere.

Consequently plates are looked upon as a tax grab for the Province.

A practical example would be a person that owns 4 motorcycle's valued at say 20.000 \$ total, now add 12% pst plus 48 \$ per machine = 2592\$ due to the Province ,with no apparent benefit. I think that persons cup would feel half empty, don't you?

As for my question , to date what are the uptake numbers on the program?

Is a change away from plates to decals being considered?

Will there be a moratorium on the mandatory implementation date to allow agents and enforcement to get up to speed?

Have a good weekend Vera. <sup>s.22</sup>

**Vukelich, Vera FLNR:EX**

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**From:** Vukelich, Vera FLNR:EX  
**Sent:** Friday, April 24, 2015 8:58 PM  
**To:** s.22  
**Subject:** s.22. Can I check query re source of funding for public recreation off-road motorcycle trails on Crown land

s.22

Thank you for taking the time to call me today. I am s.22 . - in the interim, in terms of one of your questions re the approach to funding public recreation off road motorcycle trails on Crown land, it continues to be led by our ministry's Recreation Sites and Trails Branch who is also leading the Provincial Trails Strategy.

Sincerely,  
Vera Vukelich  
Manager, Land Policy and Programs  
Ministry of Forests, Lands and Natural Resource Operations

**From:** s.22  
**Sent:** Friday, April 24, 2015 04:00 PM  
**To:** Vukelich, Vera FLNR:EX  
**Subject:** s.22 bikes and OHV act

Hello Vera, nice to chat with you this afternoon. I sensed that you felt the frustration in my tone that reflects that of the south Vancouver Island OHV user in general.

License and registration feels like a grab for people who are in a situation of severely diminishing, practical accessibility.

A lot of people I talk with frequently ask if there is anything in the way of improved access coming as a result of the fee's that are going to be paid , what I hear from you is that that was not a part of the discussion what so ever. I know now that your ministry is not responsible for this aspect. And I will search elsewhere.

Consequently plates are looked upon as a tax grab for the Province.

A practical example would be a person that owns 4 motorcycle's valued at say 20.000 \$ total, now add 12% pst plus 48 \$ per machine = 2592\$ due to the Province ,with no apparent benefit. I think that persons cup would feel half empty, don't you?

As for my question , to date what are the uptake numbers on the program?

Is a change away from plates to decals being considered?

Will there be a moratorium on the mandatory implementation date to allow agents and enforcement to get up to speed?

Have a good weekend Vera s.22

**Vukelich, Vera FLNR:EX**

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**From:** Vukelich, Vera FLNR:EX  
**Sent:** Tuesday, May 19, 2015 7:01 AM  
**To:** Mullenders, Wendy FLNR:EX  
**Subject:** Fw: s.22 re ORV sales tax and rcmp

Hi Wendy, can you please cliff this one for a direct reply.

----- Original Message -----

**From:** s.22  
**Sent:** Sunday, May 17, 2015 09:19 AM  
**To:** Vukelich, Vera FLNR:EX  
**Subject:** ORV

Good morning,

I am just about to register my off road vehicles but first I have a couple of questions. First, am I going to have to pay tax on the purchase price of my vehicles similar to how the registration of motor vehicles? Second, it has been stated by local RCMP that if they catch you transporting an unregistered ORV that they will confiscate it. Now I had thought I was allowed to ride on private property without being registered? Please explain. Thanks for your time.

Thanks,  
s.22

## Vukelich, Vera FLNR:EX

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**From:** Vukelich, Vera FLNR:EX  
**Sent:** Wednesday, June 3, 2015 4:16 PM  
**To:** s.22  
**Cc:** 'todd.stone.mla@leg.bc.ca'  
**Subject:** s.22 re: Dirt Bike Licensing for BC (Ref 210910)

Dear s.22

Thank you for your December 10, 2014 email regarding the registration of dirt-bikes. I have been asked to respond to your query and I apologize for the delayed response.

Through extensive dialogue with stakeholders, agencies and ministries over the years, we have learned that ORV issues are complex and achieving consensus among the range of parties was challenging. As time progressed, we also found that there were many aspects of shared interest and a common ground. The result of this hard work is the new *Off Road Vehicle (ORV) Act* which is being implemented in stages:

- Voluntary registration is November 17, 2014 to October 31, 2015; and
- Mandatory registration and safety laws commence on November 1, 2015 for ORVs operated on Crown land, including resource roads.

Registration under the *ORV Act* is one-time and user-pay; it is \$48. The cost is lower than Alberta where the registration fee is \$54 and is required annually.

The ministry is continuing to consult with 20 provincial stakeholder associations, including the Outdoor Recreation Council and the BC Off Road Motorcycle Association, on the details of the registration and use laws.

The *ORV Act* also has improved enforcement tools to address irresponsible ORV riders that endanger others, damage the environment and to better track stolen ORVs. For example,

- The maximum fine for offences has increased from \$500 to \$5,000;
- officers will have the ability to stop, inspect and, where appropriate, seize an ORV;
- the modern ORV registration system will be available to officers 24/7; and
- a clearly visible registration identification number to be displayed on the ORV.

If you have any further questions, please call me directly at 250 356-7040. You may also find the information on the ORV Management Framework website helpful (<https://www.for.gov.bc.ca/mof/orv/>) -- it includes updated questions and answers: [https://www.for.gov.bc.ca/mof/orv/QA\\_ORV\\_Act.pdf](https://www.for.gov.bc.ca/mof/orv/QA_ORV_Act.pdf).

Thank you for taking the time to write.

Sincerely,  
Vera Vukelich  
Manager responsible for ORVs  
Ministry of Forests, Lands and Natural Resource Operations

.CC Honourable Todd Stone, MIA, Kamloops-South Thompson

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-----Original Message-----

From: s.22

Sent: December 10, 2014 10:10 AM

To: Stone.MLA, Todd; Vukelich, Vera FLNR:EX

Subject: Dirt Bike Licensing for BC

To the Minister:

I have lived in the province of British Columbia for s.2 years, and for over 40 of these, I have participated and continue to participate in off road motorcycling.

I have several off road motorcycles and I am also a member of a several motorcycle clubs and local affiliations.

I am disappointed in your decision to implement licensing for off road motor vehicles as this is appears to be an attempt to be a cash grab for our already overtaxed system.

I fear this will do nothing to alleviate the current problems with stolen off road vehicles or controlling where these vehicles may be used.

Surely you could have followed the model in place in other areas such as USA, where there are simply off road vehicle permits issued, and allow access to designated areas, and some type of policing for said areas.

This has been handed down in a very poor way, with very little information getting to the off road community.

I am sure this will be a dismal failure and will eventually go the way of the gun registry after millions of wasted taxpayers dollars.

Regards, s.22

## Vukelich, Vera FLNR:EX

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**From:** Vukelich, Vera FLNR:EX  
**Sent:** Wednesday, June 3, 2015 6:31 PM  
**To:** Mullenders, Wendy FLNR:EX  
**Subject:** FW: s.22 : re concerns with ORV laws (Ref 212417)

.cc 2U2

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**From:** Vukelich, Vera FLNR:EX  
**Sent:** Wednesday, June 3, 2015 6:31 PM  
**To:** s.22  
**Cc:** Thomson, MLA, Steve LASS:EX; Horgan, MLA, John LASS:EX; Tony Carpenetti (ICBC Representative); Hawkings, John FLNR:EX  
**Subject:** s.22 re concerns with ORV laws (Ref 212417)

s.22

mail: s.22

Dear s.22

Thank you for your January 30, 2015 email regarding new ORV laws in BC; specifically, related to the registration number plate, documentation required for proof of ownership for registration, payment of sales tax and a gas tax to develop access routes for dirt-bikes on southern Vancouver Island. I have been asked to respond on behalf of the Honourable Steve Thomson and I apologize for the delay in a written response. Our recent phone conversation on April 24<sup>th</sup> has been helpful to ensure I better understand the nature and scope of your concerns and interests.

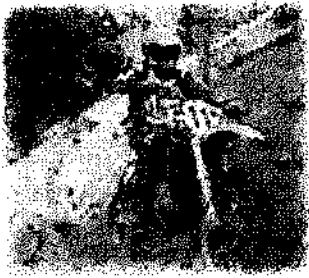
As you may know, the voluntary registration period under the *Off Road Vehicle Act* has been extended to October 31, 2015. Approximately 20,000 ORVs have registered to date.

Starting on November 1, 2015, ORV registration will be mandatory for operation on Crown land and ORV owners will have the choice of a registration number plate or sticker to be affixed to the vehicle and clearly visible (e.g. front or back of the ORV).

The details of the regulations for mandatory registration are still under development, which includes exemptions such as trial bikes used at closed course competitive events. In terms of the registration of small youth-size ORVs, last summer I had suggested to stakeholder associations that these be exempt from mandatory registration since children riders will be supervised by adults on a registered ORV. Parents would still be able to voluntarily register these small ORVs as an anti-theft measure.

A sticker/decals the size of a small business card was not supported by the ministry's Compliance and Enforcement Branch and has been strongly opposed by the BC Wildlife Federation. The registration number sticker will likely be a similar size as the registration number plate to ensure officers can easily identify reckless ORV riders that endanger others, damage the environment and to better track stolen vehicles. Please

note that the size is smaller than the number font size used for dirt-bike competitive events, as illustrated below (source of photo: <http://www.bcorma.ca/>).



When stickers become available during mandatory registration, please ensure it is affixed to something that may be removed if you plan to sell your ORV at a future date. The registration number stickers used for the manual snowmobile registry under the previous *Motor Vehicle (All Terrain) Act* created challenges for some ORV owners that sold their ORV and the new owner did not re-register. For example, this resulted in the previous registered owner receiving the violation ticket for offences committed by the new owner since the registration number sticker was not removed. As a result, since plates are easily removed without damaging a vehicle paint-job upon transfer of ownership, a number plate continues to be the preferred option for many ORV owners. For those that opt for a plate and have concerns about the metal edge, a license plate frame has been used.

In terms of the documentation required for proof of ownership, it was anticipated that owners of older ORVs may no longer have a copy of their sales receipt or other documentation to prove ownership. So, similar to on-highway vehicles, ICBC requires a statutory declaration from ORV owners (this also helps ensure stolen ORVs are not registered). Please note that multiple ORVs owned by the same person may be included in one statutory declaration form. I understand that a Notary Public can provide this service or Service BC who have agents that are also Commissioners for taking Affidavits – I have been informed that Service BC charges \$15. If you have any more questions about proof of ownership for registration, please visit ICBC's website: <http://www.icbc.com/vehicle-registration/specialty-vehicles/Pages/Off-road-vehicles.aspx> or email Tony Carpenetti with ICBC at [tony.carpenetti@icbc.com](mailto:tony.carpenetti@icbc.com).

The [Provincial sales tax notice](#) prepared by the Ministry of Finance explains how the PST applies to ORVs. If you purchased the ORV in BC, brought it into BC, or received an ORV as a gift, on or before July 1, 2010, no sales tax documentation is required to register an ORV under the *ORV Act*. If you have any additional questions, please call Ministry of Finance toll free at 1 877 388-4440 or email your questions to [CTBTaxQuestions@gov.bc.ca](mailto:CTBTaxQuestions@gov.bc.ca).

As discussed, in terms of your suggestion that a new ORV gas tax be considered and a portion applied to help fund access for dirt-bike trails on southern Vancouver Island, I encourage you to follow up with Recreation Sites and Trails Branch who are leading a Provincial Trails Strategy – this work is being done in collaboration with a wide range of key provincial stakeholder associations, including the Outdoor Recreation Council (who represents the interests of the BC Off Road Motorcycle Association). For more information about the trails strategy and ideas for funding sources, please refer to the following website: (<http://www.sitesandtrailsbc.ca/about/provincial-trail-strategy.aspx>).

If you have any additional questions about the *ORV Act* or its implementation, please feel free to call me again at 250 356-7040. You may also find the information on the ORV Management Framework website helpful

[\(https://www.for.gov.bc.ca/mof/orv/\)](https://www.for.gov.bc.ca/mof/orv/) -- it includes updated questions and answers:  
[https://www.for.gov.bc.ca/mof/orv/QA\\_ORV\\_Act.pdf](https://www.for.gov.bc.ca/mof/orv/QA_ORV_Act.pdf).

Thank you for taking the time to write and for your efforts to advance the dirt-bike sector in BC.

Sincerely,  
Vera Vukelich  
Manager responsible for ORVs  
Ministry of Forests, Lands and Natural Resource Operations  
Phone: 250 356-7040

.CC Honourable Steve Thomson, MLA, West Kelowna-Mission  
John Horgan, MLA, Juan de Fuca  
John Hawkings, Director, FLNR Recreation Sites and Trails Branch  
Tony Carpenetti, ICBC, Provincial Registration and Licensing

**From:** s.22  
**Sent:** January 30, 2015 6:31 PM  
**To:** Horgan.MLA, John; Vukelich, Vera FLNR:EX; Thomson.MLA, Steve; [premier@gov.bc.ca](mailto:premier@gov.bc.ca)  
**Subject:** Fwd: FW: ATV licensing

Hello Mr. John Horgan, As a representative of the Victoria Motorcycle club (270 members approx.) I would like to express my disapproval on behalf of the Club of the Provinces proposed requirement for us to display a 5 x 8 inch metal license plate on our motorcycles. Many other jurisdictions across North America require a decal to be displayed rather than a plate which is awkward to display on most motorcycle and in particular a trials motorcycle due to its small size. Here is a picture of the same bike that I own to give you an idea as to the issue of mounting a plate ( there is effectively no area that is large enough to support a plate ) that our motorcycle community faces with the coming regulations. [http://sphotos-h.ak.fbcdn.net/hphotos-ak-prn1/665749\\_4371514779317\\_1551014851\\_o.jpg](http://sphotos-h.ak.fbcdn.net/hphotos-ak-prn1/665749_4371514779317_1551014851_o.jpg)



Further these plates would be an injury risk to all riders but in particular children riding the smallest machines due to the fact that the plate's offer a very sharp edge due to their manufacturing process.

Also the fact that a vast amount of the affected machines province wide have been bought and sold without proper receipts or payment of PST historically creates another problem for the community in proving ownership. Currently ICBC will require a notarized statutory declaration and payment of a staggering 12%PST(Was 7% before HST for private sales) on market value at time of purchase prior to registration.



The recommendation of stake holder groups was to waive the tax burden for initial registration and tax all future transactions. We have many members in our Club that own multiple machines, some well over 10, and this current legislation will be a heavy cost that ultimately will in some cases lead to tax avoidance or outright evasion of what appears to be a "tax grab" with no benefit back to local riders or Clubs . In summary this Legislation has been implemented with little consideration to those most affected by it , and provides next to no benefit.

Also I understand that there will not likely be any support back to off-roaders thru this Legislation with respect to land access, trail development etc.

I would like to suggest that BC use the model of other jurisdictions and provide appropriate gas tax refunds etc to help develop safe and practical access particularly here on south Vancouver island were private forest lands (now locked up) and rampant displacement by CRD parks acquisitions of traditional riding areas has made legal riding areas difficult to find without lengthy travel times.

Thanks for your attention to our issue John.

Sincerely , s.22

## Vukelich, Vera FLNR:EX

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**From:** s.22  
**Sent:** Thursday, June 4, 2015 11:41 AM  
**To:** Vukelich, Vera FLNR:EX  
**Cc:** Thomson.MLA, Steve LASS:EX; Horgan.MLA, John LASS:EX; Tony Carpenetti (ICBC Representative); Hawkings, John FLNR:EX  
**Subject:** Re: s.22 re concerns with ORV laws (Ref 212417)  
**Attachments:** enduro bike.jpg; sherco-trials.jpg

Thank you for your reply Vera,

Just for clarification, front mounted plates or decals will not work on ORV's that are equipped with headlights ie trials bikes and enduro bikes, I've included a pictures of both bike's. In enduro or trials competition a number plate is not used , instead a transponder for enduro and a punch card for trials is commonly employed . Also business card sized decals seem impractical and I did not suggest them, instead fork tube decals would be about 3 x8 inch's.

Secondly, I do not suggest any additional taxation on orv's rather a refund of some portion of tax's already paid on fuel used by orv'ers machines that operate off highway .

I hope that clarifies my questions and concerns. Thanks. s.22

On Wed, Jun 3, 2015 at 6:30 PM, Vukelich, Vera FLNR:EX <[Vera.Vukelich@gov.bc.ca](mailto:Vera.Vukelich@gov.bc.ca)> wrote:  
s.22

Thank you for your January 30, 2015 email regarding new ORV laws in BC; specifically, related to the registration number plate, documentation required for proof of ownership for registration, payment of sales tax and a gas tax to develop access routes for dirt-bikes on southern Vancouver Island. I have been asked to respond on behalf of the Honourable Steve Thomson and I apologize for the delay in a written response. Our recent phone conversation on April 24<sup>th</sup> has been helpful to ensure I better understand the nature and scope of your concerns and interests.

As you may know, the voluntary registration period under the *Off Road Vehicle Act* has been extended to October 31, 2015. Approximately 20,000 ORVs have registered to date.

Starting on November 1, 2015, ORV registration will be mandatory for operation on Crown land and ORV owners will have the choice of a registration number plate or sticker to be affixed to the vehicle and clearly visible (e.g. front or back of the ORV).

The details of the regulations for mandatory registration are still under development, which includes exemptions such as trial bikes used at closed course competitive events. In terms of the registration of small youth-size ORVs, last summer I had suggested to stakeholder associations that these be exempt from mandatory registration since children riders will be supervised by adults on a registered ORV. Parents would still be able to voluntarily register these small ORVs as an anti-theft measure.

A sticker/decals the size of a small business card was not supported by the ministry's Compliance and Enforcement Branch and has been strongly opposed by the BC Wildlife Federation. The registration number sticker will likely be a similar size as the registration number plate to ensure officers can easily identify reckless ORV riders that endanger others, damage the environment and to better track stolen vehicles. Please note that the size is smaller than the number font size used for dirt-bike competitive events, as illustrated below (source of photo: <http://www.bcorma.ca/>).



When stickers become available during mandatory registration, please ensure it is affixed to something that may be removed if you plan to sell your ORV at a future date. The registration number stickers used for the manual snowmobile registry under the previous *Motor Vehicle (All Terrain) Act* created challenges for some ORV owners that sold their ORV and the new owner did not re-register. For example, this resulted in the previous registered owner receiving the violation ticket for offences committed by the new owner since the registration number sticker was not removed. As a result, since plates are easily removed without damaging a vehicle paint-job upon transfer of ownership, a number plate continues to be the preferred option for many ORV owners. For those that opt for a plate and have concerns about the metal edge, a license plate frame has been used.

In terms of the documentation required for proof of ownership, it was anticipated that owners of older ORVs may no longer have a copy of their sales receipt or other documentation to prove ownership. So, similar to on-highway vehicles, ICBC requires a statutory declaration from ORV owners (this also helps ensure stolen ORVs are not registered). Please note that multiple ORVs owned by the same person may be included in one statutory declaration form. I understand that a Notary Public can provide this service or Service BC who have agents that are also Commissioners for taking Affidavits – I have been informed that Service BC charges \$15. If you have any more questions about proof of ownership for registration, please visit ICBC's website: <http://www.icbc.com/vehicle-registration/specialty-vehicles/Pages/Off-road-vehicles.aspx> or email Tony Carpenetti with ICBC at [tony.carpenetti@icbc.com](mailto:tony.carpenetti@icbc.com).

The [Provincial sales tax notice](#) prepared by the Ministry of Finance explains how the PST applies to ORVs. If you purchased the ORV in BC, brought it into BC, or received an ORV as a gift, on or before July 1, 2010, no sales tax documentation is required to register an ORV under the *ORV Act*. If you have any additional questions, please call Ministry of Finance toll free at [1 877 388-4440](tel:1-877-388-4440) or email your questions to [CTBTaxQuestions@gov.bc.ca](mailto:CTBTaxQuestions@gov.bc.ca).

As discussed, in terms of your suggestion that a new ORV gas tax be considered and a portion applied to help fund access for dirt-bike trails on southern Vancouver Island, I encourage you to follow up with Recreation Sites and Trails Branch who are leading a Provincial Trails Strategy – this work is being done in collaboration with a wide range of key provincial stakeholder associations, including the Outdoor Recreation Council (who represents the interests of the BC Off Road Motorcycle Association). For more information about the trails strategy and ideas for funding sources, please refer to the following website: (<http://www.sitesandtrailsbc.ca/about/provincial-trail-strategy.aspx>).

If you have any additional questions about the *ORV Act* or its implementation, please feel free to call me again at [250 356-7040](tel:250-356-7040). You may also find the information on the ORV Management Framework website helpful (<https://www.for.gov.bc.ca/mof/orv/>) – it includes updated questions and answers: [https://www.for.gov.bc.ca/mof/orv/QA\\_ORV\\_Act.pdf](https://www.for.gov.bc.ca/mof/orv/QA_ORV_Act.pdf).

Thank you for taking the time to write and for your efforts to advance the dirt-bike sector in BC.

Sincerely,

Vera Vukelich

Manager responsible for ORVs

Ministry of Forests, Lands and Natural Resource Operations

Phone: [250 356-7040](tel:250-356-7040)

.CC Honourable Steve Thomson, MLA, West Kelowna-Mission  
John Horgan, MLA, Juan de Fuca  
John Hawkings, Director, FLNR Recreation Sites and Trails Branch  
Tony Carpenetti, ICBC, Provincial Registration and Licensing

From: s.22

Sent: January 30, 2015 6:31 PM

To: Horgan.MLA, John; Vukelich, Vera FLNR:EX; Thomson.MLA, Steve; [premier@gov.bc.ca](mailto:premier@gov.bc.ca)

Subject: Fwd: FW: ATV licensing

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s.22

Further these plates would be an injury risk to all riders but in particular children riding the smallest machines due to the fact that the plate's offer a very sharp edge due to their manufacturing process.

Also the fact that a vast amount of the affected machines province wide have been bought and sold without proper receipts or payment of PST historically creates another problem for the community in proving ownership. Currently ICBC will require a notarized statutory declaration and payment of a staggering 12%PST(Was 7% before HST for private sales) on market value at time of purchase prior to registration.

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Thanks for your attention to our issue John.

Sincerely ,<sup>s.22</sup>

**Vukelich, Vera FLNR:EX**

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**From:** Vukelich, Vera FLNR:EX  
**Sent:** Tuesday, June 9, 2015 7:41 AM  
**To:** s.22  
**Cc:** Foster.MLA, Eric LASS:EX; Bethel, Greig GCPE:EX  
**Subject:** s.22 re Off Road Vehicle Act (Ref 213568)

Dear s.22

Thank you for your recent correspondence (attached below) regarding the implementation of the *Off Road Vehicle (ORV) Act* related to registration number plates. As this issue falls under the responsibility of the Ministry of Forests, Lands and Natural Resource Operations, it has been referred to me for a response. I apologize for the delay.

Regarding the use of registration number plates, government will be introducing a sticker option during mandatory registration as an alternative under the *ORV Act* for owners who prefer this to a number plate. Voluntary registration has been extended to October 31, 2015. Implementation of regulations for mandatory registration and safety commences on November 1, 2015.

The details of the regulations are still under development, which includes the display of the registration number (e.g. front, back or left side of ORV) and exemptions to registration such as youth-sized ORVs and trial bikes used at closed course competitive events.

When registration number stickers become available, please ensure it is affixed to something that may be removed if you plan to sell your dirt-bike at a future date. ORV owners that choose the sticker will be responsible for removing the sticker if the vehicle is resold.

The registration number stickers used for the manual snowmobile registry under the previous *Motor Vehicle (All Terrain) Act* created challenges for some ORV owners that sold their ORV and the new owner did not re-register. For example, this resulted in the previous registered owner receiving the violation ticket for offences committed by the new ORV owner since the registration number sticker was not removed. As a result, since plates are easily removed without damaging a vehicle paint-job upon transfer of ownership, a number plate continues to be the preferred option for many ORV owners.

For more information about registration, please refer to the Ministry of Forests, Lands and Natural Resource Operations website for updates to the ORV Management Framework: <https://www.for.gov.bc.ca/mof/orv/>, which includes questions and answers: [https://www.for.gov.bc.ca/mof/orv/QA\\_ORV\\_Act.pdf](https://www.for.gov.bc.ca/mof/orv/QA_ORV_Act.pdf).

If you have any additional questions about the *ORV Act* or its implementation, please contact me by phone at 250 356-7040 or by email at [Vera.Vukelich@gov.bc.ca](mailto:Vera.Vukelich@gov.bc.ca).

Thank you for taking the time to write.

Sincerely,  
Vera Vukelich  
Manager responsible for ORVs

.CC Eric Foster, MLA, Vernon-Monashee

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**From:** s.22

**Sent:** March 16, 2015 11:55 AM

**To:** Sidhu, Min

**Subject:** Bill 13 - 2014 - Offroad Vehicle Act

Morning Min,

I stopped by on Friday to ask if you had received an letter I drafted on <http://ericfostermia.bc.ca/contact/>, which was never received by you in the system. The letter was in response to Bill 13 the Off-Road Vehicle Act that received its first reading during the 2<sup>nd</sup> session of the 40<sup>th</sup> Parliament. Bill 13 - [https://www.leg.bc.ca/40th2nd/1st\\_read/gov13-1.htm](https://www.leg.bc.ca/40th2nd/1st_read/gov13-1.htm)

I am a member of the VOMC (Vernon Off Road Motorcycle Club). The VOMC has been an active club for several years with about 50 members and good relations with all the local recreational stores that support local race events. We host local race events in the Becker Lake recreational area, provide trail stewardship (clearing debris) and education about trail maintenance during Family Fun Day riding events. We have a good relationship with Keith Balcaen of Coldstream Ranch and during race events Coldstream sends a local representative to enforce their rights to range land cattle and for local responsible riders to be vigilant about reporting the irresponsible few who trespass for fence cut. This has improved the quality of the area in general.

For the VOMC and the many, many other two-wheeled off road riding associations across BC have concerns that our mode of recreation transportation is being amalgamated into Bill 13 alongside vehicles like ATV's (Quads) and the latest side by side (Polaris Razor) off road units without consideration. These units are larger, carry more people 1-4, are not nimble woods riding units like dirt bikes and swath a wider footprint in their exploring of the backcountry. While there are other concerns by other clubs in Bill 13, our club members were drawn to issues surrounding the registration identifier.

Bill 13: Part 2 – Registration Section 4 (4)b – issuing owner “one distinctive number plate, decal or sticker.”

Many dirt bikes are designated by OEM as off road use only and as such do not come with the hardware (lights and mounting for metal license plates) or extra bracing for use. Some dirt bikes have a “dual sport” designation that makes them road legal, thus requiring OEM equipment and design to carry a metal license plate & lighting. Trying to mount a metal license plate to an off road only dirt bike with the ability to manoeuvre in and through confined trail (deer path) access where they can and will result in metal license plates being torn off causing damage to our equipment and catching on flora and fauna causing a potential safety issue to the rider. Further many small motorcycles for ages 4-10 are simply unable to physically mount a metal identification plate due to the tiny size of these machines. There is a potential of injury to these little ones with metal plates catching and tearing during crashes.

An ATV or Side-by-side are 4 wheeled pieces of machinery with the width and area to place a metal licence plate with no harm to equipment or rider. We would ask that the motion be made to authorize the issuance of a sticker or decal for vehicle registration proof in Bill 13 for two-wheeled off road riders specifically but for all off road transportation if deemed more cost effected to use decals and stickers vs. metal plates.

If I or members of the club can meet with MLA Foster upon his return from session to address these concerns is appreciated.

Kind Regards,

VOMC Member

**From:** s.22

**Sent:** Thursday, March 26, 2015 11:20 AM

**To:** Bethel, Greig GCPE:EX

**Subject:** ORV Act - Bill 13 -

Morning<sup>s.22</sup>

I and many others I know have been off road riding motorcycles for decades. I am concerned to put it mildly about the upcoming Bill 13 (ORV Act) that will be enforced on June 1st, 2015. Requirements like metal plates on 2 wheeled off road vehicles imposed on off road enthusiasts are less than practical even when organizations like BCORMA that advocate for the responsible use of terrain and represent the interests of many riding clubs across BC had requests fall on bureaucratic deaf ears.

Is the government really acting on behalf of the majority of BC citizens here? Can Vera Vukelich even ride an offroad motorcycle? Does she actually have a first hand clue about the terrain we ride? Does she actually "get" the annoyance of this? It is obvious she and the bureaucracy do not care. I enjoy off road riding when for most of us the freedom from the everyday an honestly, without the interruption of government into our lives was a blessing to look forward by itself. Now upon decree, government enforcer's with authority can now demand "your papers!" or confiscate your property as guilty until proven innocent. Or just fine you on the spot and have taxpayers waste further time and income going to court. I know firsthand this sort of killjoy enforcement from living in Alberta.

For Vera Vukelich and other government officials to swoon crowds at UBCM conferences about the government wanting to be parental and keep us safe and protect the environment from ourselves is such a tired strategy our ears ache to hear. It is akin to political parties promising lower taxes, less government and no corruption during elections. It is all rubbish rhetoric for revenue.

To guise the obvious revenue grab in the name of safety and theft prevention is an insult to IQ. Anyone who owns an off-road vehicle who has concerns of theft should insure their equipment, by their own choice. If you are riding in an area and using or crossing forestry service roads and do not insure yourself and get caught this is your fault and problem. This is liberty. This is what government is to protect, the right to choose. I personally, insured myself through BCORMA's platinum trail insurance because I wanted to protect myself in case of accident or road crossing which occur often in our riding area. Now the right to choose is removed from another part of the daily lives of now many BC off road enthusiasts.

While the government put on a good show of transparency talking with private organizations and riding groups about concerns in Bill 13, the flagrant disregard to requests made by riding organizations is obvious by what is missing in the ORV Act and removal of key organizational members who did not bow to the government directives.

The lack of rationale concerning the use of stickers and decals for registered vehicle identification vs. the big clunky metal plate on its own merits is angering. Those of us who use 2 wheeled off road transportation know this is approach is lazy, disingenuous and an insult to the grievances made by BCORMA on behalf of BC trail groups. Very few if any concerns presented were recognized in the final draft of the Act. To say because conservation officer's could not read decals on snowmobiles that ALL FORMS of off road transportation get lumped together without hearing the voice of us is frustrating. Making us go to our MLA is just a diversionary / delay / attrition tactic of the government authority to make an voice "go away."

We want stickers & decal's not metal plates! They are impractical specifically for 2-wheeled off road bikes that navigate tight, narrow terrain, do fall over often and will require body modifications to equipment to place them, that may or may not weaken fenders, catch on the environment and possibly cause damage or harm in doing so.

I understand that to evoke change with government you attract positive actions with positive constructive criticism. I am not sure if this email qualifies but I would love to see our current government give a flip about us lowly serf's under the Queen and do something right by amending the current ORV Act.

Please give us stickers or decals to show. At least when we have our joyful day out with friends ruined with a officer safety "Present your Papers!" moment in the middle of peaceful nowhere, I do not have to explain how the plate was torn off my rear fender while I was not looking.

Regards,

s.22



## Vukelich, Vera FLNR:EX

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**From:** Vukelich, Vera FLNR:EX  
**Sent:** Tuesday, June 9, 2015 7:55 AM  
**To:** s.22  
**Cc:** Minister, JAG JAG:EX; Ken McClelland (BCORMA, President); Tom Adlington (BCORMA, Vice President); Peter Sprague  
**Subject:** s.22 re Off Road Vehicle Registration (Ref 214384)

Dear s.22

Thank you for your recent correspondence regarding the implementation of the *Off Road Vehicle (ORV) Act* related to registration number plates. As this issue falls under the responsibility of the Ministry of Forests, Lands and Natural Resource Operations, it has been referred to me for a response. I apologize for the delay.

Regarding the use of registration number plates, government will be introducing a sticker option during mandatory registration as an alternative under the *ORV Act* for owners who prefer this to a number plate. Voluntary registration has been extended to October 31, 2015. Implementation of regulations for mandatory registration and safety commences on November 1, 2015.

The details of the regulations are still under development with key stakeholder associations, which includes the display of the registration number (e.g. front, back or left side of ORV) and exemptions to registration such as youth-sized ORVs and trial bikes used at closed course competitive events. Your representative in these discussions is Ken McClelland, President, BC Off Road Motorcycle Association, or Tom Adlington, Vice-President.

When registration number stickers become available, please ensure it is affixed to something that may be removed if you plan to sell your dirt-bike at a future date. ORV owners that choose the sticker will be responsible for removing the sticker if the vehicle is resold.

The registration number stickers used for the manual snowmobile registry under the previous *Motor Vehicle (All Terrain) Act* created challenges for some ORV owners that sold their ORV and the new owner did not re-register. For example, this resulted in the previous registered owner receiving the violation ticket for offences committed by the new ORV owner since the registration number sticker was not removed. As a result, since plates are easily removed without damaging a vehicle paint-job upon transfer of ownership, a number plate continues to be the preferred option for many ORV owners.

For more information about registration, please refer to the Ministry of Forests, Lands and Natural Resource Operations website for updates to the ORV Management Framework: <https://www.for.gov.bc.ca/mof/orv/>, which includes questions and answers: [https://www.for.gov.bc.ca/mof/orv/QA\\_ORV\\_Act.pdf](https://www.for.gov.bc.ca/mof/orv/QA_ORV_Act.pdf).

If you have any additional questions about the *ORV Act* or its implementation, I am available to touch base by phone at 250 356-7040 or by email at [Vera.Vukelich@gov.bc.ca](mailto:Vera.Vukelich@gov.bc.ca).

Thank you for taking the time to write.

Sincerely,

Vera Vukelich  
Manager responsible for ORVs  
Ministry of Forests, Lands and Natural Resource Operations

.CC Ken McClelland, President, BC Off Road Motorcycle Association  
Tom Adlington, Vice-President, BC Off Road Motorcycle Association

**From:** s.22  
**Sent:** Saturday, April 18, 2015 12:06 PM  
**To:** Minister, JAG JAG:EX  
**Subject:** Off Road Motorcycle licensing

s.22

Minister Suzanne Anton  
Ministry of Justice  
Victoria, BC

Dear Honourable Minister Anton,

Re:  
"Recommendation  
BCORMA is requesting a moratorium/postponement on the June 1, 2015 mandatory registration date until everybody, including riders, ICBC, government staff, and enforcement personnel clearly understand and apply appropriately the new legislation, tax obligations, insurance requirements, and enforcement parameters."

Peter Sprague, MSc.  
Executive Director  
BC Off-Road Motorcycling Association  
[peter.sprague@bcorma.ca](mailto:peter.sprague@bcorma.ca)  
March 19, 2015

I am writing today with regards to the statement made by Peter Sprague in a recent publication to off road motor cycle enthusiasts. Specifically I draw your attention to the lack of understanding, organization, and presentation of the proposed licensing of off road motor cycles. It does not surprise me that issues such as affixing a metal license plate to an off road motorcycle were rejected as a daft idea by owners of motorcycles, and yet fully pursued by people who don't own a motorcycle ( you?) and don't have a clue. Decals would obviously be the answer, however your committee rejected this, presumably they are just uneducated and unwilling to be educated to the issues!

As a taxpayer why on earth do you make it so difficult, and lack a common sense approach. I can only suppose there is a profound lack of common sense, or wisdom with beaurocrats?

Because your agents have mucked this up so badly, please IMMEDIATELY cancel this legislation so that ALL the issues can be resolved using intellect and common sense.

Regards,

s.22  
Off road motorcycle enthusiast, Tax payer

## Vukelich, Vera FLNR:EX

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**From:** Vukelich, Vera FLNR:EX  
**Sent:** Tuesday, June 9, 2015 2:04 PM  
**To:** s.22  
**Cc:** Foster.MLA, Eric LASS:EX; Bethel, Greig GCPE:EX  
**Subject:** RE: s.22 e Off Road Vehicle Act (Ref 213568)

Good afternoon <sup>s.22</sup>

The sales tax requirement on new and used vehicles is based on tax legislation – it is just referenced in vehicle legislation. For example, sales tax is the same as it was under the former *Motor Vehicle (All Terrain) Act* which was replaced by the current *Off Road Vehicle Act*. This is also the same approach as the *Motor Vehicle Act*.

The [Provincial sales tax notice](#) prepared by the Ministry of Finance explains how the PST applies to ORVs. Please note that if you purchased the ORV in BC, brought it into BC, or received an ORV as a gift, before July 1, 2010, no sales tax documentation is required to register an ORV under the *ORV Act*.

I am not an expert in tax legislation. If you have any additional questions about sales tax on vehicles, please call Ministry of Finance toll free at [1 877 388-4440](tel:18773884440) or email your questions to [CTBTaxQuestions@gov.bc.ca](mailto:CTBTaxQuestions@gov.bc.ca).

Sincerely,  
Vera

**From:** <sup>s.22</sup>  
**Sent:** Tuesday, June 9, 2015 9:19 AM  
**To:** Vukelich, Vera FLNR:EX  
**Cc:** Foster.MLA, Eric LASS:EX; Bethel, Greig GCPE:EX  
**Subject:** RE: <sup>s.22</sup> re Off Road Vehicle Act (Ref 213568)

Morning Ms. Vukelich,

Thank you for your response and for the government to answer to the request of its citizens to modify this Act.

Could you clarify why the MFLRNO has implemented a registration tax on used ORV's within the Act?

Regards,

**From:** Vukelich, Vera FLNR:EX [<mailto:Vera.Vukelich@gov.bc.ca>]  
**Sent:** June-09-15 7:41 AM  
**To:** <sup>s.22</sup>  
**Cc:** Foster.MLA, Eric LASS:EX; Bethel, Greig GCPE:EX  
**Subject:** <sup>s.22</sup> re Off Road Vehicle Act (Ref 213568)

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Thank you for taking the time to write.

Sincerely,  
Vera Vukelich  
Manager responsible for ORVs  
Ministry of Forests, Lands and Natural Resource Operations

.CC Eric Foster, MLA, Vernon-Monashee

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**From:** s.22  
**Sent:** March 16, 2015 11:55 AM  
**To:** Sidhu, Min  
**Subject:** Bill 13 - 2014 - Offroad Vehicle Act

Morning Min,

I stopped by on Friday to ask if you had received an letter I drafted on <http://ericfosterm1a.bc.ca/contact/>, which was never received by you in the system. The letter was in response to Bill 13 the Off-Road Vehicle Act that received its first reading during the 2<sup>nd</sup> session of the 40<sup>th</sup> Parliament. Bill 13 - [https://www.leg.bc.ca/40th2nd/1st\\_read/gov13-1.htm](https://www.leg.bc.ca/40th2nd/1st_read/gov13-1.htm)

I am a member of the VOMC (Vernon Off Road Motorcycle Club). The VOMC has been an active club for several years with about 50 members and good relations with all the local recreational stores that support local race events. We host local race events in the Becker Lake recreational area, provide trail stewardship (clearing debris) and education about trail maintenance during Family Fun Day riding events. We have a good relationship with Keith Balcaen of Coldstream Ranch and during race events Coldstream sends a local representative to enforce their rights to range land cattle and for local responsible riders to be vigilant about reporting the irresponsible few who trespass for fence cut. This has improved the quality of the area in general.

For the VOMC and the many, many other two-wheeled off road riding associations across BC have concerns that our mode of recreation transportation is being amalgamated into Bill 13 alongside vehicles like ATV's (Quads) and the latest side by side (Polaris Razor) off road units without consideration. These units are larger, carry more people 1-4, are not nimble woods riding units like dirt bikes and swath a wider footprint in their exploring of the backcountry. While there are other concerns by other clubs in Bill 13, our club members were drawn to issues surrounding the registration identifier.

Bill 13: Part 2 – Registration Section 4 (4)b – issuing owner “one distinctive number plate, decal or sticker.”

Many dirt bikes are designated by OEM as off road use only and as such do not come with the hardware (lights and mounting for metal license plates) or extra bracing for use. Some dirt bikes have a “dual sport” designation that makes them road legal, thus requiring OEM equipment and design to carry a metal license plate & lighting. Trying to mount a metal license plate to an off road only dirt bike with the ability to manoeuvre in and through confined trail (deer path) access where they can and will result in metal license plates being torn off causing damage to our equipment and catching on flora and fauna causing a potential safety issue to the rider. Further many small motorcycles for ages 4-10 are simply unable to physically mount a metal identification plate due to the tiny size of these machines. There is a potential of injury to these little ones with metal plates catching and tearing during crashes.

An ATV or Side-by-side are 4 wheeled pieces of machinery with the width and area to place a metal licence plate with no harm to equipment or rider. We would ask that the motion be made to authorize the issuance of a sticker or decal for vehicle registration proof in Bill 13 for two-wheeled off road riders specifically but for all off road transportation if deemed more cost effected to use decals and stickers vs. metal plates.

If I or members of the club can meet with MLA Foster upon his return from session to address these concerns is appreciated.

Kind Regards,

s.22

VOMC Member

**From:** s.22

**Sent:** Thursday, March 26, 2015 11:20 AM

**To:** Bethel, Greig GCPE:EX

**Subject:** ORV Act - Bill 13 -

Morning s.22

I and many others I know have been off road riding motorcycles for decades. I am concerned to put it mildly about the upcoming Bill 13 (ORV Act) that will be enforced on June 1st, 2015. Requirements like metal plates on 2 wheeled off road vehicles imposed on off road enthusiasts are less than practical even when organizations like BCORMA that advocate for the responsible use of terrain and represent the interests of many riding clubs across BC had requests fall on bureaucratic deaf ears.

Is the government really acting on behalf of the majority of BC citizens here? Can Vera Vukelich even ride an offroad motorcycle? Does she actually have a first hand clue about the terrain we ride? Does she actually "get" the annoyance of this? It is obvious she and the bureaucracy do not care. I enjoy off road riding when for most of us the freedom from the everyday an honestly, without the interruption of government into our lives was a blessing to look forward by itself. Now upon decree, government enforcer's with authority can now demand "your papers!" or confiscate your property as guilty until proven innocent. Or just fine you on the spot and have taxpayers waste further time and income going to court. I know firsthand this sort of killjoy enforcement from living in Alberta.

For Vera Vukelich and other government officials to swoon crowds at UBCM conferences about the government wanting to be parental and keep us safe and protect the environment from ourselves is such a tired strategy our ears ache to hear. It is akin to political parties promising lower taxes, less government and no corruption during elections. It is all rubbish rhetoric for revenue.

To guise the obvious revenue grab in the name of safety and theft prevention is an insult to IQ. Anyone who owns an off-road vehicle who has concerns of theft should insure their equipment, by their own choice. If you are riding in an area and using or crossing forestry service roads and do not insure yourself and get caught this is your fault and problem. This is liberty. This is what government is to protect, the right to choose. I personally, insured myself through BCORMA's platinum trail insurance because I wanted to protect myself in case of accident or road crossing which occur often in our riding area. Now the right to choose is removed from another part of the daily lives of now many BC off road enthusiasts.

While the government put on a good show of transparency talking with private organizations and riding groups about concerns in Bill 13, the flagrant disregard to requests made by riding organizations is obvious by what is missing in the ORV Act and removal of key organizational members who did not bow to the government directives.

The lack of rationale concerning the use of stickers and decals for registered vehicle identification vs. the big clunky metal plate on its own merits is angering. Those of us who use 2 wheeled off road transportation know this is approach is lazy, disingenuous and an insult to the grievances made by BCORMA on behalf of BC trail groups. Very few if any concerns presented were recognized in the final draft of the Act. To say because conservation officer's could not read decals on snowmobiles that ALL FORMS of off road transportation get lumped together without hearing the voice of us is frustrating. Making us go to our MLA is just a diversionary / delay / attrition tactic of the government authority to make a voice "go away."

We want stickers & decal's not metal plates! They are impractical specifically for 2-wheeled off road bikes that navigate tight, narrow terrain, do fall over often and will require body modifications to equipment to place them, that may or may not weaken fenders, catch on the environment and possibly cause damage or harm in doing so.

I understand that to evoke change with government you attract positive actions with positive constructive criticism. I am not sure if this email qualifies but I would love to see our current government give a flip about us lowly serf's under the Queen and do something right by amending the current ORV Act.

Please give us stickers or decals to show. At least when we have our joyful day out with friends ruined with a officer safety "Present your Papers!" moment in the middle of peaceful nowhere, I do not have to explain how the plate was torn off my rear fender while I was not looking.

Regards,

s.22

**Vukelich, Vera FLNR:EX**

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**From:** Vukelich, Vera FLNR:EX  
**Sent:** Wednesday, June 10, 2015 1:28 PM  
**To:** Tony Carpenetti (ICBC Representative); Norm Felix (ICBC Representative);  
XT:Termuende, Rob JTST:IN; XT:Francis, Mark ICBC MTIC:IN  
**Cc:** Fairbairn, Joel FIN:EX  
**Subject:** s.22 re ORV licensing for out of province ATV (Ref 215335)

See email below – lets touch base re the ICBC response.

Vera

**From:** Thomson.MLA, Steve LASS:EX  
**Sent:** Friday, May 22, 2015 9:49 AM  
**To:** Minister, FLNR FLNR:EX  
**Subject:** FW: ORV licensing for out of province ATV

**From:** s.22  
**Sent:** May 22, 2015 9:34 AM  
**To:** Minister, JTST T JTST:EX; [premier@gov.bc.ca](mailto:premier@gov.bc.ca); Thomson.MLA, Steve  
**Subject:** Fwd: ORV licensing for out of province ATV

I wish communicate my extreme disappointment with the new law being enforced on June 1, 2015 regarding ORV use in British Columbia. I urge you to consider the issuance of temporary permits for out of province ATV/ORV enthusiasts. I fully understand and support the need for regulations and enforcement for the safe operation of these vehicles, as well as the need to protect the environment from a few careless individuals. The issuance of temporary permits could achieve the same goals without causing unnecessary financial hardship on law abiding, safe and responsible tourists who are looking to experience your beautiful province. Having travelled quietly and safety in the back country on my ATV on previous occasions, myself and many other prospective visitors will now have to find other locations to spend our time and tourism money while enjoying our chosen motor sport. Please find below the correspondence with ICBC regarding my initial inquiry and subsequent responses. Thank you.

s.22

Sent from my iPad

Begin forwarded message:

**From:** Feedback <[Feedback@icbc.com](mailto:Feedback@icbc.com)>  
**Date:** May 12, 2015 at 6:07:21 PM CST  
**To:** s.22  
**Subject:** RE: ORV licensing for out of province ATV

s.22



Thank you for your response.

Although the ORV Act does provide the legal authority for the Ministry of Forests, Lands and Natural Resource Operations to come up with an issue a non-resident operating permit for ORV operation on Crown land, at this time they do not offer this type of permit. I cannot speculate as to whether they may or may not have one in the future.

I'm sorry my response could not be more favourable to you in this situation.

.....  
**Kaiti**  
**Feedback**  
ICBC building trust. driving confidence.  
.....  
151 West Esplanade  
North Vancouver | British Columbia | V7M 3H9

**From:** s.22  
**Sent:** Saturday, May 09, 2015 7:50 PM  
**To:** Feedback  
**Cc:** [ProductServices@destinationbc.ca](mailto:ProductServices@destinationbc.ca)  
**Subject:** Re: ORV licensing for out of province ATV

Sounds like it might be cheaper to buy a good GPS and just stay away from BC completely.....along with my tourism dollars. Too bad I can't just purchase a permit for the three days I had hoped to enjoy my vacation in the mountains. Thank you for the prompt reply.

Sent from my iPad

On May 8, 2015, at 2:30 PM, Feedback <[Feedback@icbc.com](mailto:Feedback@icbc.com)> wrote:

s.22

Thank you for your email.

Currently, the process for out of province Off-Road Vehicle (ORV) operators is as follows:

- Firstly, the provisions of the ORV Act are still voluntary and registration and number plate display requirements are not mandatory until June 1, 2015. So anyone operating an ORV on BC Crown land (including an out of province resident) is not required to do anything until June 1, 2015.
- After June 1, 2015 an out of province ORV operator is deemed to have met the requirements under the ORV Act if the jurisdiction they are from has an ORV registration scheme and the ORV operator displays a valid plate or decal from their home jurisdiction while operating on BC Crown land.
- If the out of province ORV operator does not display the plate or decal from their home jurisdiction, then they have 2 options:
  - Register in their home jurisdiction and display the plate or decal from their home jurisdiction, or
  - Register in BC and get the BC ORV plate -- but this entails paying tax on the value of the value (and not being eligible to have it

refunded back to them) as well as provided all the necessary support documents to prove that they are the legal owner of the vehicle.

- An out of province ORV operator who displays and out of province plate or decal is also eligible to buy a temporary operation permit that gives them the necessary third party liability to have incidental crossing of highways as well as operation on forest service roads if they wish to take advantage of the limited highway crossing provisions.

Therefore if you cannot register your ORV in Saskatchewan and you want to use your ORV in BC, you are left with the third option of registering it in BC and obtaining a BC ORV plate. Unfortunately, as I mentioned above, this entails paying tax on the value of the ATV.

Owners of off-road vehicles have raised the issue of mounting plates on their ORV and the government is reviewing this issue. Therefore, you may want to speak with Vera Vukelich in the Ministry of Forests, Lands and Natural Resource Operations. You reach her by calling (250) 356-7040 or by emailing her at [Vera.Vukelich@gov.bc.ca](mailto:Vera.Vukelich@gov.bc.ca).

Law enforcement authorities are responsible for enforcing motor vehicle-related legislation and driving behaviours. As a result, you may want to contact them and ask what the fine would be if you were ticketed for the offence.

Please let me know if you have any further questions.

.....  
**Kaili**

**Feedback**

ICBC building trust. driving confidence.

.....  
151 West Esplanade

North Vancouver | British Columbia | V7M 3H9

**From:** s.22

**Sent:** Thursday, May 07, 2015 7:58 PM

**To:** Feedback

**Subject:** ORV licensing for out of province ATV

**Subject:** ORV licensing for out of province ATV

**Name:** s.22

**E-mail:**

**Comments:**

I'm planning an ATV trip to the Crowsnest in July. Although I plan on riding in Alberta, what if I accidentally blunder into BC? What will the fine be? Where is the nearest place to the Crowsnest Pass to register my Saskatchewan owned ATV? Will it make any difference that I already have insurance and have attended an ATV safety course? Will I be charged PST on my ATV if I do register it in BC? Since I currently live in Sask. and don't have to register it here, my ATV does not have any mount for a plate. What are the regulations regarding mounting the plate. Is there a website that can answer all my questions?

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*Insurance Corporation of British Columbia | 151 W. Esplanade | North Vancouver | V7M 3H9  
Contact Us*

**Vukelich, Vera FLNR:EX**

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**From:** Vukelich, Vera FLNR:EX  
**Sent:** Thursday, June 18, 2015 12:49 PM  
**To:** s.22  
**Subject:** s.22 re Tax on Pre-Owned ORVs (Ref 210566)

c/o s.22

Dear s.22

Thank you for your email received on November 25<sup>th</sup>, 2014 requesting information on sales tax requirements for your pre-owned Off Road Vehicles (ORVs). I apologize for the delayed response.

Voluntary registration under the *Off Road Vehicle Act* has been extended to October 31, 2015. Starting on November 1, 2015, ORV registration will be mandatory for use or operation on Crown land. The details of the regulations for mandatory registration are still under development.

As part of registration, it was anticipated that owners of older ORVs may not have a copy of their sales receipt or other documentation to prove ownership. So, similar to on-highway vehicles, ICBC requires a statutory declaration from ORV owners (this also helps ensure stolen ORVs are not registered). Please note that multiple ORVs owned by the same person may be included in one statutory declaration form. A Notary Public or Service BC who have agents that are Commissioners for taking Affidavits can provide this service. I understand that Service BC charges \$15. If you have any more questions about proof of ownership for registration, please visit ICBC's website: <http://www.icbc.com/vehicle-registration/specialty-vehicles/Pages/Off-road-vehicles.aspx> or email Tony Carpenetti with ICBC at [tony.carpenetti@icbc.com](mailto:tony.carpenetti@icbc.com).

In terms of your concerns about paying sales tax, the Provincial sales tax notice prepared by the Ministry of Finance explains how sales tax applies to ORVs. For example, if you purchased the ORV in BC, brought it into BC, or received an ORV as a gift, before July 1, 2010, no sales tax documentation is required to register an ORV under the *ORV Act*. If you have any additional questions, please call Ministry of Finance toll free at 1 877 388-4440 or email your questions to [CTBTaxQuestions@gov.bc.ca](mailto:CTBTaxQuestions@gov.bc.ca).

You may find the information on the ministry's ORV Management Framework website helpful (<https://www.for.gov.bc.ca/mof/orv/>) -- it includes additional questions and answers ([https://www.for.gov.bc.ca/mof/orv/QA\\_ORV\\_Act.pdf](https://www.for.gov.bc.ca/mof/orv/QA_ORV_Act.pdf)).

Thank you for taking the time to write.

Sincerely,  
Vera Vukelich  
Manager responsible for ORVs  
Ministry of Forests, Lands and Natural Resource Operations

**From:** Bethel, Greig GCPE:EX  
**Sent:** Tuesday, November 25, 2014 3:22 PM  
**To:** Correspondence Serv. Sectn, FLNR:EX  
**Subject:** FW: Manager ORV Registration and Licensing

**From:** s.22  
**Sent:** Tuesday, November 25, 2014 3:17 PM  
**To:** Bethel, Greig GCPE:EX  
**Subject:** Manager ORV Registration and Licensing

Hello , Greg i am writing to voice my displeasure about the registration process on ORV starting Nov 17/14

I am not impressed with the evident TAX grab our govt has implemented on quads purchased 2nd hand and now we have to pay taxes on this after having to register them. The govt says its only \$ 48 ,, but fails to say there is taxes also on any quads purchased as follows

If you bought your sled/atv/orv new or used and dont have proof of tax being paid on or after July 1st 2010 Your required to pay 12% tax on the original purchase price. Yes that's right if you bought a used machine up to 4 years ago lets say for \$10,000 they want \$1200 tax plus the \$48 plate fee....

This in my opinion is nothing but a TAX grab by our greedy liberal Govt !!!!

Can you explain to me what I have to pay on a ATV bought in s.22 that I paid 1000 for that was totalled and restored by myself, I was informed that it will be based on present day value and taxes will be charged accordingly.

In addition to this I have moved and lived in 2 provinces with this Quad, I purchased it in s.22 ago , I did not register this unit as I kept this unit in s.22 years ???

How much does our greedy BC liberal govt want ,,,

Can you please explain further

s.22

**Vukelich, Vera FLNR:EX**

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**From:** Vukelich, Vera FLNR:EX  
**Sent:** Thursday, June 18, 2015 5:32 PM  
**To:** s.22  
**Subject:** s.22 re: ORV Registration Plates and Sales Tax (Ref 212867)

Dear Mr. s.22

Thank you for your February 25, 2015 email to the Honourable Steve Thomson, Minister of Forest, Lands and Natural Resource Operations regarding your concern about metal plates on off-road motorcycles. I have been asked to respond on the Minister's behalf. Please accept my apologies for the delayed response.

Please be assured that dirt bike enthusiasts, through the BC Off-Road Motorcycle Association (BCORMA) and other motorsport associations, have had an active voice in the creation of the *Off Road Vehicle (ORV) Act* through the ORV Joint Advisory Group (JAG) - a provincial stakeholder group representing 18 different organizations. BCORMA continues to be actively represented on the ORV JAG through their President, Ken McClelland, and his new alternate, Vice-President Tom Adlington.

The voluntary registration period under the *Off Road Vehicle Act* has been extended to October 31, 2015. Starting on November 1, 2015, ORV registration will be mandatory for use or operation on Crown land. ORV owners will have the choice of a registration number plate or sticker to be affixed to the vehicle and clearly visible (e.g. on the front, back or left side). The details of the regulations for registration are still under development.

When stickers become available during mandatory registration, please ensure it is affixed to something that may be removed if you sell your ORV. It has been our experience that the stickers used for the manual snowmobile registry under the previous *Motor Vehicle (All Terrain) Act* created challenges for some ORV owners when they sold their vehicle without removing the sticker and the new owner failed to re-register. Failing to remove the sticker may result in the previous registered owner receiving violation tickets for offences committed by the new owner. Consequently, plates that are easily removed without damaging a vehicle paint-job upon transfer of ownership continue to be the preferred option for many ORV owners. For those that opt for a plate and have concerns about the metal edge, a license plate frame has been used.

The Ministry of Finance prepared a 2014 Provincial Sales Tax (PST) Notice ([http://www.sbr.gov.bc.ca/documents\\_library/notices/notice\\_2013-011.pdf](http://www.sbr.gov.bc.ca/documents_library/notices/notice_2013-011.pdf)) to explain how the provincial sales tax applies to ORVs. For example, if you purchased the ORV in BC, brought it into BC, or received an ORV as a gift, on or before July 1, 2010, no sales tax documentation is required to register an ORV under the *ORV Act*. Please call Ministry of Finance toll free at 1 877 388-4440 if you have further questions about the application of PST to ORVs, or email them directly at [CTBTaxQuestions@gov.bc.ca](mailto:CTBTaxQuestions@gov.bc.ca).

Also, it was anticipated that owners of older ORVs may not have a copy of their sales receipt or other documentation to prove ownership. So, similar to on-highway vehicles, ICBC requires a statutory declaration from ORV owners (this also helps ensure stolen ORVs are not registered). Please note that multiple ORVs owned by the same person may be included on one statutory declaration form as a cost savings. A Notary Public or Service BC, who have agents that are Commissioners for taking Affidavits, can provide this service. I understand that Service BC charges \$15.

If you have any other questions or concerns, please call me directly at 250 356-7040. You may also find the information on the ORV Management Framework website helpful (<https://www.for.gov.bc.ca/mof/orv/>). This site includes a link to updated questions and answers: [https://www.for.gov.bc.ca/mof/orv/QA\\_ORV\\_Act.pdf](https://www.for.gov.bc.ca/mof/orv/QA_ORV_Act.pdf).

Thank you for taking the time to write.

Sincerely,  
Vera Vukelich  
Manager responsible for ORVs  
Ministry of Forests, Lands and Natural Resource Operations  
Phone: 250 356-7040

**Vukelich, Vera FLNR:EX**

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**From:** Vukelich, Vera FLNR:EX  
**Sent:** Friday, June 19, 2015 7:10 AM  
**To:** s.22  
**Cc:** Stone, Todd TRAN:EX  
**Subject:** s.22 re revenue for registration under the ORV Act (Ref 234483)

Dear s.22

Thank you for your April 27, 2015 email requesting information about what will be done with the revenue from registration under the *Off Road Vehicle (ORV) Act*. Our ministry has been asked to respond on behalf of Honourable Todd Stone, Minister of Transportation and Infrastructure. I apologize for the delayed response.

In terms of registration under *ORV Act*:

- BCs one-time, user-pay ORV registration fee is \$48 (this is less than Alberta where ORV riders pay \$54 annually).
- In terms of transition, snowmobiles registered under the former *Motor Vehicle (All Terrain) Act* will have one year to re-register under the ORV Act and receive a \$10 refund that is applied towards the registration fee.

This \$48 is directed to pay for ICBCs one-time systems upgrade and the ongoing cost of delivering broker services; specifically, \$40 is directed to pay for the private sector broker commission, along with inventory costs (e.g. number plates and stickers), and \$8 is directed to recoup ICBCs one-time cost within a five-year payback period.

Also, it was anticipated that owners of older ORVs may not have a copy of their sales receipt or other documentation to prove ownership. So, similar to on-highway vehicles, ICBC requires a statutory declaration from ORV owners (this also helps ensure stolen ORVs are not registered). Please note that multiple ORVs owned by the same person may be included on one statutory declaration form as a cost savings. A Notary Public or Service BC, who have agents that are Commissioners for taking Affidavits, can provide this service. I understand that Service BC charges \$15.

In terms of incidental access to highways under the *Motor Vehicle Act*:

- No additional fees for registration or the plate are required under the *Motor Vehicle Act* if you have paid the one-time \$48 fee to obtain both your Certificate of Registration and number plate under the *ORV Act*. The ORV number plate is a dual purpose plate.
- There is no cost for the police-issued operation permit.
- Annual fees apply to vehicle licensing and insurance for the majority of motor vehicles used on a highway in BC. In the case of the incidental access to highways by recreational ORVs, annual vehicle licensing is \$23 and ICBCs basic insurance coverage is \$25.

The requirement for ICBC to collect a tax on vehicles under the *Motor Vehicle Act*, the former *Motor Vehicle (All Terrain) Act* and the new *ORV Act* is based on provisions within tax legislation. In terms of the *ORV Act*, the Ministry of Finance prepared a 2014 Provincial Sales Tax (PST) Notice ([http://www.sbr.gov.bc.ca/documents\\_library/notices/notice\\_2013-011.pdf](http://www.sbr.gov.bc.ca/documents_library/notices/notice_2013-011.pdf)) to explain how the provincial sales tax applies to ORVs. For example, if you purchased the ORV in BC, brought it into BC, or received an ORV as a gift, before July 1, 2010, no sales tax documentation is required to register an ORV under the *ORV Act*.



Please call Ministry of Finance toll free at 1 877 388-4440 if you have further questions about the application of PST to ORVs, or email them directly at [CTBTaxQuestions@gov.bc.ca](mailto:CTBTaxQuestions@gov.bc.ca).

If you have any other questions (other than tax, as I am not an expert), please call me directly at 250 356-7040. You may also find the information on the ORV Management Framework website helpful (<https://www.for.gov.bc.ca/mof/orv/>). This site includes a link to updated questions and answers: [https://www.for.gov.bc.ca/mof/orv/OA\\_ORV\\_Act.pdf](https://www.for.gov.bc.ca/mof/orv/OA_ORV_Act.pdf).

Thank you for taking the time to write.

Sincerely,  
Vera Vukelich  
Manager responsible for ORVs  
Ministry of Forests, Lands and Natural Resource Operations  
Phone: 250 356-7040

.CC Honourable Todd Stone, Minister of Transportation and Infrastructure

---

From: s.22  
Sent: Monday, April 27, 2015 10:28 AM  
To: Transportation, Minister TRAN:EX  
Subject: Off Road Vehicle Legislation

Dear Mr. Stone,

Further to the recent legislation requiring registration of Off Road Vehicles, I would like to know two things, what is going to be done with this revenue as a result of the legislation? Will every penny of it be put to use for the purpose of benefitting the use of Off Road Vehicle use?

I look forward to your response.

Thank you,

s.22

**Vukelich, Vera FLNR:EX**

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**From:** Vukelich, Vera FLNR:EX  
**Sent:** Friday, June 19, 2015 8:25 AM  
**To:** s.22  
**Cc:** 'Premier@gov.bc.ca'  
**Subject:** s.22 re ATV registration under the new Off Road Vehicle Act (Ref 215181)

Dear s.22

Thank you for your May 13, 2015 email to Honourable Christy Clark, Premier, regarding ATV registration under the new *Off Road Vehicle (ORV) Act*. The Ministry of Forests, Lands and Natural Resource Operations has been asked to respond and I apologize for the delayed response.

The intent of the modern registration scheme under the new *Off Road Vehicle Act* is to better track down stolen vehicles and help officers identify irresponsible ORV riders that endanger others, harm animals or damage the environment so that other ORV riders may safely enjoy their riding experience on Crown land. The ministry has been working closely with our key stakeholders associations, including Jeff Mohr, President of ATV BC, on the details of the proposed regulations for mandatory registration to ensure we get it right. Mandatory registration commences on November 1, 2015.

In terms of registration under *ORV Act*, BC's one-time, user-pay ORV registration fee is \$48 (this is less than Alberta where ORV riders pay \$54 annually). On Crown land (off highway), there are no new insurance requirements to operate an ORV – the status quo law of \$200,000 in third party liability insurance on Forest Service Roads has been in place for decades (under the *Forest and Range Practices Act*, *Forest Service Road Use Regulation*). Private insurance brokers typically provide this insurance coverage on Crown land.

The requirement for ICBC to collect a tax on vehicles under the *Motor Vehicle Act*, the former *Motor Vehicle (All Terrain) Act* and the new *ORV Act* is based on provisions within tax legislation. In terms of the *ORV Act*, the Ministry of Finance prepared a 2014 Provincial Sales Tax (PST) Notice ([http://www.sbr.gov.bc.ca/documents\\_library/notices/notice\\_2013-011.pdf](http://www.sbr.gov.bc.ca/documents_library/notices/notice_2013-011.pdf)) to explain how the provincial sales tax applies to ORVs. For example, if you purchased the ORV in BC, brought it into BC, or received an ORV as a gift, before July 1, 2010, no sales tax documentation is required to register an ORV under the *ORV Act*. Please call Ministry of Finance toll free at 1 877 388-4440 if you have further questions about the application of PST to ORVs, or email them directly at [CTBTaxQuestions@gov.bc.ca](mailto:CTBTaxQuestions@gov.bc.ca).

If you have any other questions (other than tax, as I am not an expert), please call me directly at 250 356-7040. You may also find the information on the ORV Management Framework website helpful (<https://www.for.gov.bc.ca/mof/orv/>). This site also includes a link to updated questions and answers: [https://www.for.gov.bc.ca/mof/orv/QA\\_ORV\\_Act.pdf](https://www.for.gov.bc.ca/mof/orv/QA_ORV_Act.pdf).

Thank you for taking the time to write.

Sincerely,  
Vera Vukelich  
Manager responsible for ORVs  
Ministry of Forests, Lands and Natural Resource Operations

.CC Honourable Christy Clark, Premier

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**From:** s.22

**Sent:** Wednesday, May 13, 2015 12:13 PM

**To:** OfficeofthePremier, Office PREM:EX

**Subject:** LOST my vote FOREVER

Dear s.22

I was a big fan of yours when you were a radio host on CKNW. My wife and I gave you our vote to help get you where you are today. I am writing you today to tell you why we will never vote for you or the Liberals again.

Today I insured my daughters ATV. Because of the new rules the Liberals have put into place it cost me \$530.00 dollars. I would have only had to shell out 110.00 for insurance under the old rules. Because you now have to put a plate on ATV's it now has to be registered. Because it had to be registered, I had to pay 12% on the purchase price(2700.00) of a machine I bought a year ago! I also had to pay a one-time fee of 100.00 for the government to register the transaction.

This new rule change adds up to a TAX GRAB!!! And because of that you have lost my vote forever!

I'm sure I'm not the only **FAMILY FIRST** kind of guy that feels this way.

s.22

P.S. Good luck in the next election. Decisions like this one, penalizing family's like mine that like to play together as a family are going to hurt you more that you think.

**Vukelich, Vera FLNR:EX**

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**From:** Vukelich, Vera FLNR:EX  
**Sent:** Friday, June 19, 2015 9:14 AM  
**To:** s.22  
**Subject:** re ORV Sales Tax and Transporting Vehicles (Ref 215211)

Dear s.22

Thank you for your May 19, 2015 email regarding ORV sales tax and a question about transporting ORVs. I apologize for the delayed response.

The requirement for ICBC to collect a tax on vehicles under the *Motor Vehicle Act*, the former *Motor Vehicle (All Terrain) Act* and the new *Off Road Vehicle (ORV) Act* is based on provisions within tax legislation. In terms of the *ORV Act*, the Ministry of Finance prepared a 2014 Provincial Sales Tax (PST) Notice ([http://www.sbr.gov.bc.ca/documents\\_library/notices/notice\\_2013-011.pdf](http://www.sbr.gov.bc.ca/documents_library/notices/notice_2013-011.pdf)) to explain how the provincial sales tax applies to ORVs. For example, if you purchased the ORV in BC, brought it into BC, or received an ORV as a gift, before July 1, 2010, no sales tax documentation is required to register an ORV under the *ORV Act*. Please call Ministry of Finance toll free at 1 877 388-4440 if you have further questions about the application of PST to ORVs, or email them directly at [CTBTaxQuestions@gov.bc.ca](mailto:CTBTaxQuestions@gov.bc.ca).

In terms of your question about transporting an ORV and the information you received from local RCMP, I would like to suggest you call me so that I can better understand the specific scenario. I can be reached directly at 250 356-7040.

If you have any other questions, you may find the information on the ministry's ORV Management Framework website helpful (<https://www.for.gov.bc.ca/mof/orv/>). This site also includes a link to updated questions and answers: [https://www.for.gov.bc.ca/mof/orv/OA\\_ORV\\_Act.pdf](https://www.for.gov.bc.ca/mof/orv/OA_ORV_Act.pdf).

Thank you for taking the time to write.

Sincerely,  
Vera Vukelich  
Manager responsible for ORVs  
Ministry of Forests, Lands and Natural Resource Operations

-----Original Message-----

From: s.22  
Sent: Sunday, May 17, 2015 9:19 AM  
To: Vukelich, Vera FLNR:EX  
Subject: ORV

Good morning,

I am just about to register my off road vehicles but first I have a couple of questions. First, am I going to have to pay tax on the purchase price of my vehicles similar to how the registration of motor vehicles?

Second, it has been stated by local RCMP that if they catch you transporting an unregistered ORV that they will confiscate it. Now I had thought I was allowed to ride on private property without being registered? Please explain. Thanks for your time.

Thanks,  
s.22

**Vukelich, Vera FLNR:EX**

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**From:** Vukelich, Vera FLNR:EX  
**Sent:** Thursday, June 25, 2015 12:04 PM  
**To:** 'info@satva.ca'  
**Cc:** Transportation, Minister TRAN:EX; 'minister.cc@gov.sk.ca'; Curtis Mead (SGD); XT:Francis, Mark ICBC MTIC:IN;<sup>s.22</sup> Jeff Mohr (ATV BC, President); Fairbairn, Joel FIN:EX  
**Subject:** Ms. Connolly, President, Saskatchewan All Terrain Vehicle Association re: ATV registration for out of province riders (Ref 215975)

Ms. Vera Connolly  
President, Saskatchewan All Terrain Vehicle Association  
PO Box 84, Lumsden, SK S0G 3C0  
Email: [info@satva.ca](mailto:info@satva.ca)

Dear Vera Connolly,

Thank you for your May 5, 2015 letter regarding the registration requirements for Saskatchewan owners of all terrain vehicles visiting British Columbia (BC). I have been asked to respond on behalf of Honourable Todd Stone, Minister of Transportation and Infrastructure. I apologize for the delayed response.

Please note that the voluntary registration period under the *Off Road Vehicle (ORV) Act* has been extended to October 31, 2015. Starting on November 1, 2015, ORV registration will be mandatory for use or operation on Crown land. The details of the regulations for mandatory registration are still under development; this includes exploring exemptions that include ORVs used at close-course competitive events.

Today, I spoke with your General Manager, John Meed, regarding the policy intent for registration under the *ORV Act* in relation to out of province ORV riders. Since ORV registration in BC is user-pay and we wanted to keep the one-time cost for registration as low as possible (\$48), the ministry leveraged the existing registration system used by the Insurance Corporation of BC (ICBC). In the short-term, it was recognized that undertaking a systems upgrade for out of province permits would have been costly and the user-pay cost would have been transferred to visitors. To keep costs low, an option was to allow out of province riders to register the same as a BC resident if they are not registered in their home jurisdiction. If there were any implementation issues with this approach, the other option would be to exempt from registration those out of province ORVs that are not required to be registered in their home jurisdiction. At a future date, when ICBC completes its systems upgrade, the ministry may revisit the out of province permit option under the *ORV Act*; this includes the ability to obtain an out of province permit on-line which would be more convenient and user-friendly for visitors to BC.

For your reference, the requirement for ICBC to collect a tax on vehicles under the *Motor Vehicle Act* (for on-highway vehicles) the former *Motor Vehicle (All Terrain) Act* and the new *ORV Act* is based on provisions within tax legislation. The Ministry of Finance prepared a 2014 Provincial Sales Tax (PST) Notice ([http://www.sbr.gov.bc.ca/documents\\_library/notices/notice\\_2013-011.pdf](http://www.sbr.gov.bc.ca/documents_library/notices/notice_2013-011.pdf)) to explain how the provincial sales tax applies to ORVs. Please call Ministry of Finance toll free at 1 877 388-4440 if you have further questions about the application of PST to ORVs, or email them directly at [CTBTaxQuestions@gov.bc.ca](mailto:CTBTaxQuestions@gov.bc.ca).

If you have any other questions (aside from tax, as I am not an expert), please feel free to call me directly at 250 356-7040. You may also find the information on our ministry's ORV Management Framework website helpful

(<https://www.for.gov.bc.ca/mof/orv/>). This site includes a link to questions and answers which will be updated again this fall regarding the approach to out of province ORV riders:  
[https://www.for.gov.bc.ca/mof/orv/OA\\_ORV\\_Act.pdf](https://www.for.gov.bc.ca/mof/orv/OA_ORV_Act.pdf).

Thank you for taking the time to write and helping us ensure that Saskatchewan ATV riders visiting BC have a great experience.

Sincerely,  
Vera Vukelich  
Manager responsible for ORVs  
Ministry of Forests, Lands and Natural Resource Operations

.CC Honourable Todd Stone, Minister of Transportation and Infrastructure  
Honourable Don McMorris, Minister responsible for Saskatchewan Government Insurance (Email:  
[minister.cc@gov.sk.ca](mailto:minister.cc@gov.sk.ca))  
Curtis Mead, Manager, Saskatchewan Government Insurance  
Mr. John Meed, General Manager, Saskatchewan All Terrain Vehicle Association (Email:  
s.22  
Jeff Mohr, President, ATV BC  
Mark Francis, Manager, Insurance Corporation of BC  
Joel Fairbairn, Manager, Consumer Taxation Branch, Ministry of Finance

Copy of Incoming Letter:



235098

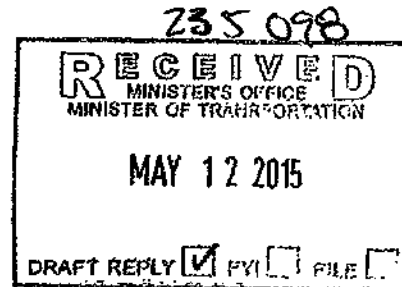
Incoming.pdf



PO Box 84  
Lumsden, SK S0G 3C0  
PH: (855) 297-2882  
Fax: (306) 731-3460  
Email: info@satva.ca

May 5, 2015

Hon. Todd Stone  
Minister of Transportation  
And Infrastructure  
Room 306  
Parliament Buildings  
Victoria, BC V8V 1X4



Dear Sir:

Re: ATV Registration

Minister Todd, I believe you are the Minister responsible for ICBC, if that is not the case I would ask that you forward this on to the appropriate office.

SATVA has been made aware that on June 1, 2015, British Columbia's *Off Road Vehicle Act* comes into effect which will require All Terrain Vehicles (ATV's) to be registered in BC. It is our understanding that the legislation will recognize registration plates from another jurisdiction and they will not be required to register in BC. As you may be aware Saskatchewan does not require or allow registration of ATV's, and we understand that BC will require Saskatchewan residents (who wish to take their ATV's to BC) to register their ATV in BC while visiting or on holiday. If we are correct the cost for this registration is \$48 (a one-time fee) and I don't believe our members and other Saskatchewan ATV riders visiting BC would have issue with this.

However we've also been advised that ICBC will collect BC sales tax on a Saskatchewan ATV when registering them in BC. We feel this is unfair and an undue financial burden on Saskatchewan residents as sales tax has already been collected in Saskatchewan when the ATV was purchased. As the value of ATV's can be substantial this tax collection by BC could result in thousands of dollars of additional cost to Saskatchewan residents for a holiday in BC, and will likely cause many of our residents to seek other provinces to go ATVing in.

[www.satva.ca](http://www.satva.ca)



We don't believe it fair or reasonable to unfairly penalize Saskatchewan ATV riders simply because Saskatchewan has failed to implement ATV registration. SATVA has approached the Saskatchewan government on several occasions asking that they implement registration for ATV's however we have been unsuccessful in that endeavour. We applaud BC for implementing ATV registration and believe there are substantial benefits to the province in doing so.

Minister Todd, we respectfully ask that you review the issue of sales tax collection on Saskatchewan based ATV riders when registering their ATV in BC, with a view to changing that policy. We await your response.

Thank you in advance for your consideration.

Yours truly

A handwritten signature in black ink, appearing to be 'Vera Connolly', followed by the word 'for' written in a cursive style.

Vera Connolly, President

Cc - Hon. Don McMorris  
Minister Responsible for SGI

- Jeff Mohr, President  
ATV/BC

- Jenna Holloway, President  
All Terrain Quad Council of Canada

**Vukelich, Vera FLNR:EX**

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**From:** Vukelich, Vera FLNR:EX  
**Sent:** Friday, July 17, 2015 7:23 AM  
**To:** s.22  
**Subject:** RE: Mr. s.22 re ORV Registration (Ref 215378) -

Dear s.22

I am out of the office<sup>s.22</sup> and I apologize for not updating my voicemail at work to reflect this. In the interim, I may be reached at 250 889-9192 intermittently.

Upon further review of your email, I am guessing that your reference to "2010" may relate to information that has been provided to the public that no sales tax documentation is required when registering an ORV under the *Off Road Vehicle Act* if a person purchased an ORV in BC, brought it into BC, or received an ORV as a gift, before July 1, 2010.

The requirement for ICBC to collect a tax on vehicles under the *Motor Vehicle Act*, the former *Motor Vehicle (All Terrain) Act* and the new *Off Road Vehicle (ORV) Act* is based on provisions within tax legislation. In terms of the *ORV Act*, the Ministry of Finance prepared a 2014 Provincial Sales Tax (PST) Notice ([http://www.sbr.gov.bc.ca/documents\\_library/notices/notice\\_2013-011.pdf](http://www.sbr.gov.bc.ca/documents_library/notices/notice_2013-011.pdf)) to explain how the provincial sales tax applies to ORVs. Please call Ministry of Finance toll free at 1 877 388-4440 or email them directly at [CTBTaxQuestions@gov.bc.ca](mailto:CTBTaxQuestions@gov.bc.ca).

If the above information does not relate to your question, hopefully a discussion by phone will help to ensure I better understand your question and can provide a response.

Sincerely,  
Vera Vukelich  
Manager responsible for ORVs  
Ministry of Forests, Lands and Natural Resource Operations

**From:** s.22  
**Sent:** Tuesday, June 23, 2015 3:29 PM  
**To:** Vukelich, Vera FLNR:EX  
**Subject:** RE: Mr. s.22 re ORV Registration (Ref 215378)

Hi Vera, can you advise what day and time I can reach you at your office please? Thank<sup>s.22</sup>

-----Original Message-----

**From:** Vukelich, Vera FLNR:EX [<mailto:Vera.Vukelich@gov.bc.ca>]  
**Sent:** Friday, June 19, 2015 9:23 AM  
**To:** s.22  
**Subject:** Mr. s.22 re ORV Registration (Ref 215378)

Dear Mr. <sup>s.22</sup>

Thank you for your May 26, 2015 email with a questions regarding registration under the *Off Road Vehicle Act*. I apologize for the delayed response.

May I suggest that you please call me directly at 250 356-7040 to ensure I understand the nature and scope of your question.

In the interim, you may find some helpful information on the ministry's ORV Management Framework website (<https://www.for.gov.bc.ca/mof/orv/>). This site also includes a link to updated questions and answers: [https://www.for.gov.bc.ca/mof/orv/QA\\_ORV\\_Act.pdf](https://www.for.gov.bc.ca/mof/orv/QA_ORV_Act.pdf).

Thank you for taking the time to write.

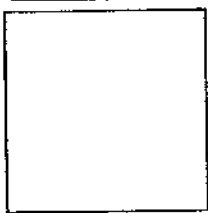
Sincerely,  
Vera Vukelich  
Manager responsible for ORVs  
Ministry of Forests, Lands and Natural Resource Operations

---

**From:** s.22  
**Sent:** Tuesday, May 26, 2015 11:16 AM  
**To:** Minister, FLNR FLNR:EX  
**Subject:** New ATV and snowmobile registration

Hello. I understand the idea behind these changes and understand if it was effective this year however need an explanation and under what law this can be made retroactive to 2010?

Thank you .<sup>s.22</sup>



This email has been checked for viruses by Avast antivirus software.  
[www.avast.com](http://www.avast.com)

## Vukelich, Vera FLNR:EX

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**From:** Vukelich, Vera FLNR:EX  
**Sent:** Monday, July 20, 2015 11:03 AM  
**To:** s.22  
**Subject:** s.22 re sales tax on used ORVs (Ref 215520)

Dear s.22

Thank you for your May 22, 2015 email regarding sales tax on used off road vehicles (ORVs). I apologize for the delayed response.

On March 24, 2014, the *Off Road Vehicle (ORV) Act* achieved Royal Assent and has come into force on June 1, 2015. The regulations for mandatory registration and safety are targeted for November 1, 2015 and will apply on Crown land, including resource roads.

The requirement for ICBC to collect a tax on vehicles under the *Motor Vehicle Act*, the former *Motor Vehicle (All Terrain) Act* and the new *Off Road Vehicle (ORV) Act* is based on provisions within tax legislation. Please call Ministry of Finance toll free at 1 877 388-4440 or email them directly at [CTBTaxQuestions@gov.bc.ca](mailto:CTBTaxQuestions@gov.bc.ca). In terms of the *ORV Act*, the Ministry of Finance prepared a 2014 Provincial Sales Tax (PST) Notice ([http://www.sbr.gov.bc.ca/documents\\_library/notices/notice\\_2013-011.pdf](http://www.sbr.gov.bc.ca/documents_library/notices/notice_2013-011.pdf)) to explain how the provincial sales tax applies to ORVs. For example, if you purchased the ORV in BC, brought it into BC, or received an ORV as a gift before July 1, 2010, no sales tax documentation is required to register an ORV under the *ORV Act*.

Also, it was anticipated that owners of older ORVs may not have a copy of their sales receipt or other documentation to prove ownership. So, similar to on-highway vehicles, ICBC requires a statutory declaration from ORV owners (this also helps ensure stolen ORVs are not registered). Please note that multiple ORVs owned by the same person may be included on one statutory declaration form as a cost savings. A Notary Public or Service BC, who have agents that are Commissioners for taking Affidavits, can provide this service. I understand that Service BC charges \$15.

If you have any other questions about the *ORV Act* or its implementation (other than sales tax as I am not an expert), please call me directly at 250 356-7040. I will be back in the office in early August. You may also find the information on the ORV Management Framework website helpful (<https://www.for.gov.bc.ca/mof/orv/>). This site includes a link to updated questions and answers: [https://www.for.gov.bc.ca/mof/orv/OA\\_ORV\\_Act.pdf](https://www.for.gov.bc.ca/mof/orv/OA_ORV_Act.pdf).

Thank you for taking the time to write.

Sincerely,  
Vera Vukelich  
Manager responsible for ORVs  
Ministry of Forests, Lands and Natural Resource Operations  
Phone: 250 356-7040

-----Original Message-----

From: Service BC MTIC:EX

Sent: Friday, May 22, 2015 9:07 AM

To: Ministry of FLNR:EX

Subject: Fw: Questions about Government of B.C. programs and services

We are forwarding the following e-mail for your attention. Please respond to the original sender. Thank you.

---

SERVICE BC CALL CENTRE

Hours of Operation: 7:30am to 5pm, Monday through Friday, except on statutory holidays.

In Vancouver (604) 660-2421

In Victoria (250) 387-6121

Elsewhere in BC 1-(800) 663-7867 (toll free)

-----Original Message-----

From: s.22

Sent: Friday, May 22, 2015 8:05 AM

To: EnquiryBC@gov.bc.ca ; s.22

Subject: Questions about Government of B.C. programs and services

Thank you for your submission to our 'Contact us' page. We will be contacting you as soon as possible to address the question or comment you have raised. Below this message you will see a copy of the information submitted by you via our webpage.

It was submitted by s.22  
08:05:26

on Friday, May 22, 2015 at

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questionAbout: question

message: Dear BC Gov't Office,

I am writing today to express my concern with the newly imposed off-road vehicle registration.

I am a firm believer in the registration and the good it will bring to our residents.

The fees that are to be incurred along with this registration (\$48 per vehicle) are well understood.

I do however feel that the mandatory 12% PST to register these vehicles is highly unfair.

My family and I are hard working law abiding citizens. We purchased our ORV's as a way to responsibly enjoy our provinces vast back country.

We purchased these vehicles second hand as the dream of new is out of our financial reach.

With the mandatory 12% PST we will be forced to park our vehicles until we can save up enough money to pay this unreasonable and forced tax.

I do agree that any vehicles changing title after the law is in effect could be subject to the tax as long as the Gov't makes the citizens aware of such law, as is the case with on road motor vehicles, but how can we as a responsible gov't charge taxes on previously purchased ORV's which have been in our possession for years past.

Where will it end?

Regards,  
s.22

reply: yes

s.22

email\_address\_confirm: s.22

pageReferer: <http://www.gov.bc.ca/for/>

---

**Vukelich, Vera FLNR:EX**

---

**From:** Vukelich, Vera FLNR:EX  
**Sent:** Monday, July 20, 2015 12:19 PM  
**To:** s.22  
**Cc:** 'Feedback@icbc.com'; 'premier@gov.bc.ca'; Minister FLNR FLNR:EX; Minister ITST  
JTST:EX; Transportation, Minister TRAN:EX; s.22  
Fairbairn, Joel FIN:EX  
**Subject:** s.22 re: out of province ORV riders (Ref 215335)

Email: s.22

Dear s.22

Thank you for your May 22, 2015 email regarding the registration requirements for Saskatchewan owners of off road vehicles (ORVs) visiting British Columbia (BC). I have been asked to respond on behalf of Honourable Premier Christy Clark, Honourable Steve Thomson and Honourable Shirley Bond. I apologize for the delayed response.

The voluntary registration period under the *Off Road Vehicle (ORV) Act* has been extended to October 31, 2015. Starting on November 1, 2015, ORV registration will be mandatory for use or operation on Crown land, including resource roads. The details of the regulations for mandatory registration are still under development.

Since ORV registration in BC is user-pay and we wanted to keep the one-time cost for registration as low as possible (\$48), the ministry leveraged the existing registration system used by the Insurance Corporation of BC (ICBC). This was because, in the short-term, it was recognized that undertaking a systems upgrade for out of province permits would have been costly and the user-pay cost would have been transferred to visitors. To keep costs low, an option was to allow out of province riders to register the same as a BC resident if they are not registered in their home jurisdiction. If there were any implementation issues with this approach, the other option would be to exempt from registration those out of province ORVs that are not required to be registered in their home jurisdiction. At a future date, when ICBC completes its systems upgrade, the ministry may revisit the out of province permit option under the *ORV Act*; this includes the ability to obtain an out of province permit on-line which would be more convenient and user-friendly for visitors to BC.

For your reference, the requirement for ICBC to collect a tax on vehicles under the *Motor Vehicle Act* (for on-highway vehicles) the former *Motor Vehicle (All Terrain) Act* and the new *ORV Act* is based on provisions within tax legislation. The Ministry of Finance prepared a Provincial Sales Tax (PST) Notice ([http://www.sbr.gov.bc.ca/documents\\_library/notices/notice\\_2013-011.pdf](http://www.sbr.gov.bc.ca/documents_library/notices/notice_2013-011.pdf)) to explain how the provincial sales tax applies to ORVs, as well as, bulletin about PST and non-residents ([http://www.sbr.gov.bc.ca/documents\\_library/bulletins/pst\\_309.pdf](http://www.sbr.gov.bc.ca/documents_library/bulletins/pst_309.pdf)). For more information, please call Ministry of Finance toll free at 1 877 388-4440 if you have further questions about the application of PST to ORVs, or email them directly at [CTBTaxQuestions@gov.bc.ca](mailto:CTBTaxQuestions@gov.bc.ca)

If you have any other questions about the *ORV Act* or its implementation (aside from tax, as I am not an expert), please feel free to call me directly at 250 356-7040. I will be back in the office in early August. You may also find the information on our ministry's ORV Management Framework website helpful (<https://www.for.gov.bc.ca/mol/orv/>).

Please note that I have provided the above information to the Saskatchewan All Terrain Vehicle Association and Saskatchewan Government Insurance. I have also followed up with ICBC staff at "ICBC Feedback" to ensure that any policy questions about the *ORV Act* are directed to the Ministry of Forests, Lands and Natural Resource Operations.

Thank you for taking the time to write and helping us ensure that Saskatchewan ORV riders visiting BC have a great experience.

Sincerely,  
Vera Vukelich  
Manager responsible for ORVs  
Ministry of Forests, Lands and Natural Resource Operations

.CC Honourable Christy Clark, Premier  
Honourable Steve Thomson, Minister of Forests, Lands and Natural Resource Operations  
Honourable Shirley Bond, Minister of Jobs, Tourism and Skills Training  
Honourable Todd Stone, Minister responsible for ICBC  
John Meed, General Manager, Saskatchewan All Terrain Vehicle Association  
Curtis Mead, Manager, Saskatchewan Government Insurance  
Joel Fairbairn, Manager, Consumer Taxation Branch, Ministry of Finance  
[Feedback@icbc.com](mailto:Feedback@icbc.com)

**From:** s.22  
**Sent:** May 22, 2015 9:34 AM  
**To:** Minister, JTST T JTST:EX; [premier@gov.bc.ca](mailto:premier@gov.bc.ca); Thomson.MLA, Steve  
**Subject:** Fwd: ORV licensing for out of province ATV

I wish communicate my extreme disappointment with the new law being enforced on June 1, 2015 regarding ORV use in British Columbia. I urge you to consider the issuance of temporary permits for out of province ATV/ORV enthusiasts. I fully understand and support the need for regulations and enforcement for the safe operation of these vehicles, as well as the need to protect the environment from a few careless individuals. The issuance of temporary permits could achieve the same goals without causing unnecessary financial hardship on law abiding, safe and responsible tourists who are looking to experience your beautiful province. Having travelled quietly and safety in the back country on my ATV on previous occasions, myself and many other prospective visitors will now have to find other locations to spend our time and tourism money while enjoying our chosen motor sport. Please find below the correspondence with ICBC regarding my initial inquiry and subsequent responses. Thank you.

s.22

Sent from my iPad

Begin forwarded message:

**From:** Feedback <[Feedback@icbc.com](mailto:Feedback@icbc.com)>  
**Date:** May 12, 2015 at 6:07:21 PM CST



To: s.22

Subject: RE: ORV licensing for out of province ATV

Mr. s.22

Thank you for your response.

Although the ORV Act does provide the legal authority for the Ministry of Forests, Lands and Natural Resource Operations to come up with an issue a non-resident operating permit for ORV operation on Crown land, at this time they do not offer this type of permit. I cannot speculate as to whether they may or may not have one in the future.

I'm sorry my response could not be more favourable to you in this situation.

.....  
**Kaifi**

**Feedback**

ICBC building trust. driving confidence.

.....  
151 West Esplanade

North Vancouver | British Columbia | V7M 3H9

From: s.22

Sent: Saturday, May 09, 2015 7:50 PM

To: Feedback

Cc: [ProductServices@destinationbc.ca](mailto:ProductServices@destinationbc.ca)

Subject: Re: ORV licensing for out of province ATV

Sounds like it might be cheaper to buy a good GPS and just stay away from BC completely.....along with my tourism dollars. Too bad I can't just purchase a permit for the three days I had hoped to enjoy my vacation in the mountains. Thank you for the prompt reply.

Sent from my iPad

On May 8, 2015, at 2:30 PM, Feedback <[Feedback@icbc.com](mailto:Feedback@icbc.com)> wrote:

Mr. s.22

Thank you for your email.

Currently, the process for out of province Off-Road Vehicle (ORV) operators is as follows:

- Firstly, the provisions of the ORV Act are still voluntary and registration and number plate display requirements are not mandatory until June 1, 2015. So anyone operating an ORV on BC Crown land (including an out of province resident) is not required to do anything until June 1, 2015.
- After June 1, 2015 an out of province ORV operator is deemed to have met the requirements under the ORV Act if the jurisdiction they are from has an ORV registration scheme and the ORV operator displays a valid plate or decal from their home jurisdiction while operating on BC Crown land.
- If the out of province ORV operator does not display the plate or decal from their home jurisdiction, then they have 2 options:
  - Register in their home jurisdiction and display the plate or decal from their home jurisdiction,
  - or
  - Register in BC and get the BC ORV plate – but this entails paying tax on the value of the value (and not being eligible to have it refunded back to them) as well as provided all the necessary support documents to prove that they are the legal owner of the vehicle.

- An out of province ORV operator who displays and out of province plate or decal is also eligible to buy a temporary operation permit that gives them the necessary third party liability to have incidental crossing of highways as well as operation on forest service roads if they wish to take advantage of the limited highway crossing provisions.

Therefore if you cannot register your ORV in Saskatchewan and you want to use your ORV in BC, you are left with the third option of registering it in BC and obtaining a BC ORV plate. Unfortunately, as I mentioned above, this entails paying tax on the value of the ATV.

Owners of off-road vehicles have raised the issue of mounting plates on their ORV and the government is reviewing this issue. Therefore, you may want to speak with Vera Vukelich in the Ministry of Forests, Lands and Natural Resource Operations. You reach her by calling (250) 356-7040 or by emailing her at [Vera.Vukelich@gov.bc.ca](mailto:Vera.Vukelich@gov.bc.ca).

Law enforcement authorities are responsible for enforcing motor vehicle-related legislation and driving behaviours. As a result, you may want to contact them and ask what the fine would be if you were ticketed for the offence.

Please let me know if you have any further questions.

.....  
Kaili  
**Feedback**  
ICBC building trust. driving confidence.  
.....  
151 West Esplanade  
North Vancouver | British Columbia | V7M 3H9

**From:** s.22  
**Sent:** Thursday, May 07, 2015 7:58 PM  
**To:** Feedback  
**Subject:** ORV licensing for out of province ATV

**Subject:** ORV licensing for out of province ATV  
**Name:** s.22  
**E-mail:**

**Comments:**  
I'm planning an ATV trip to the Crowsnest in<sup>s.22</sup> Although I plan on riding in Alberta, what if I accidentally blunder into BC? What will the fine be? Where is the nearest place to the Crowsnest Pass to register my Saskatchewan owned ATV? Will it make any difference that I already have insurance and have attended an ATV safety course? Will I be charged PST on my ATV if I do register it in BC? Since I currently live in Sask. and don't have to register it here, my ATV does not have any mount for a plate. What are the regulations regarding mounting the plate. Is there a website that can answer all my questions?

---

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Insurance Corporation of British Columbia | 151 W. Esplanade | North Vancouver | V7M 3H9  
[Contact Us](#)

**Vukelich, Vera FLNR:EX**

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**From:** s.22  
**Sent:** Saturday, October 3, 2015 4:37 PM  
**To:** Vukelich, Vera FLNR:EX  
**Subject:** s.22 e ATV registration????

I have a very simple question.....I own 2 Quads....several years old....I can find no receipts from the dealers....I want to register them, but I certainly do not want to pay taxes on them again ( and won't!!) Can I bring in the serial numbers of the quads and get them registered?  
s.22



## ***Draft Overview of the Off-Road Vehicle Act***

### **Purpose**

The purpose of this overview of the *Off-Road Vehicle Act* is to provide a reference guide that complements the public information on the ministry's ORV Management Framework website (<https://www.for.gov.bc.ca/mof/orv/>); this includes:

- “Frequently Asked Questions ([https://www.for.gov.bc.ca/mof/orv/OA\\_ORV\\_Act.pdf](https://www.for.gov.bc.ca/mof/orv/OA_ORV_Act.pdf));
- Order-in-Council (OIC) with the amendments to the *Off Road Vehicle Regulation* ([https://www.for.gov.bc.ca/mof/orv/OIC\\_New\\_ORV\\_Laws\\_2015.pdf](https://www.for.gov.bc.ca/mof/orv/OIC_New_ORV_Laws_2015.pdf));
- the web-link to ICBC registration services for ORVs (<http://www.icbc.com/vehicle-registration/specialty-vehicles/Pages/Off-road-vehicles.aspx>); and
- ICBC Bulletin #11 and #13 which provides a summary of ORV registration for enforcement and road safety partners: <http://partners.icbc.com/insurance-services/vehreg-bulletins.asp>.

Note: if there is a conflict between what is stated in this overview document and the *ORV Act* or *Regulation*, the *ORV Act* or *Regulation* prevails to the extent of the conflict. Please also note that if the copy of the *ORV Act* and *ORV Regulation* on the BC Laws website (<http://www.bclaws.ca/>) is not dated after November 1, 2015, please refer to the copy of the above OIC as a reference.

### **Background**

On November 10, 2009, Government announced an Off-Road Vehicle (ORV) Management Framework. A key goal of the ORV framework is to develop policy that will encourage safe and responsible riding in British Columbia.

Milestones which led to the ORV framework decision include:

- In 2005, the former Coalition for Licensing and Registration of Off-Road Vehicles in BC, comprised of ten stakeholder associations, produced a report with 47 recommendations to address longstanding ORV management issues in BC.
- In 2006, the Coroners Service of British Columbia, Child Death Review Unit, recommended an improved ORV regulatory framework to help address ORV accidents resulting in injuries to youth and deaths.
- Over the years, the Union of British Columbia Municipalities (UBCM) has passed ten resolutions requesting an improved ORV management regime in BC.

In June 2010, an ORV Joint Advisory Group<sup>1</sup> was established by the Ministry of Forests, Lands and Natural Resource Operations (FLNR) to provide provincial stakeholder associations with a forum to discuss interests, issues and ideas to support the development of the new ORV laws.

<sup>1</sup> Stakeholder associations include: Backcountry Lodges of BC Association; BC Cattlemen's Association; BC Commercial Snowmobile Operators Association; BC Nature; BC Off Road Motorcycle Association; BC Snowmobile Federation; BC Wildlife Federation; Canadian Off Highway Vehicle Distributors Council (represents manufacturers); Grasslands Conservation Council of BC; Guide Outfitters Association of BC; HeliCat

Through extensive dialogue with stakeholders, agencies and ministries over the years, we have learned that ORV issues are complex and achieving consensus among the range of parties was challenging. As time progressed, we also found that there were many aspects of shared interest and a common ground. The result of this hard work is the new *Off-Road Vehicle Act*.

On March 24, 2014, Bill 13, the *Off-Road Vehicle Act*, achieved Royal Assent and is being implemented by regulation in stages; key milestones are:

- November 17, 2014, voluntary registration.
- June 1, 2015, the *Motor Vehicle (All Terrain) Act* was repealed and the *ORV Act* came into force.
- November 1, 2015, mandatory ORV registration and safety laws commence for ORVs used or operated on Crown land, including resource roads.

## Scope

- The *Off Road Vehicle (ORV) Act* and *ORV Regulation* applies to prescribed classes of ORVs used or operated on Crown land and prescribed private lands. There are no prescribed classes of private land at this time.
- ORVs are used for work or pleasure purposes. The ORV sector includes: mining, oil/gas, ranching, farming, forestry and sport/tourism.
- Under section 2 of the *ORV Regulation*, a prescribed class of ORV with a manufacturers rated carrying capacity under 4,536 kg (10,000 lbs) and includes the following (as defined under section 1 of the *ORV Regulation*): all-terrain vehicle (ATV), motorcycles, off-road side-by-side vehicles, snowmobiles, and on-highway motor vehicles. "On-highway motor vehicle" means a vehicle, other than a motorcycle, designed to conform to the standards prescribed under the *Motor Vehicle Safety Act (Canada)* for motor vehicles designed for use on a highway.

## REGISTRATION

### Benefits of a modern registration scheme

- Supports search and rescue efforts in finding lost or injured riders if the abandoned ORV is found first;
- Assists officers in identifying irresponsible ORV riders that endanger others, harm animals or damage sensitive habitat; and
- Assists officers to better track down stolen ORVs (e.g. ICBCs registry data is available 24/7).

Note: prior to purchasing a used ORV, consider searching the Canadian Police Information Centre (CPIC) database to ensure the ORV has not been reported stolen: <http://app.cpic-cipc.ca/English/search.cfm>.

Voluntary registration under the ORV Act commenced on November 17, 2014. As of November 30, 2015, 51,162 ORV have registered in total. In terms of participation rates by class of ORV,

- 73.5% (37,585) all-terrain vehicles;
- 16.5% (8,435) snowmobiles;
- 7.0% (3,624) off-road motorcycles; and
- 3.0% (1,518) side-by-sides.

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Canada; Insurance Corporation of BC; Automotive Retailers Association; Outdoor Recreation Council; Quad Riders Association of BC (aka 'ATV BC'); UBCM and the Wilderness Tourism Association of BC.

Prepared by the Manager responsible for ORVs, Ministry of Forests, Lands and Natural Resource Operation, for discussion purposes. Please note that if there is a conflict between what is stated in this informational document and the ORV Act or Regulation, the ORV Act or Regulation prevails to the extent of the conflict. For additional information about the ORV Act and its implementation, please refer to the Ministry's ORV Management Framework website at: <https://www.for.gov.bc.ca/mof/ory>.

### **Mandatory registration**

- Starting November 1, 2015, registration and the display of a number plate is mandatory when an ORV is used or operated on Crown land, including resource roads. Registration services under the *ORV Act* is delivered by the Insurance Corporation of BC (ICBC) via a network of over 900 brokers across BC: <http://www.icbc.com/vehicle-registration/specialty-vehicles/Pages/Off-road-vehicles.aspx>
- Section 14 of the *ORV Act* states that, subject to the *ORV Regulations*, a person must not use or operate, or authorize or permit another person to use or operate, an ORV on Crown land unless one of the following applies:
  - (a) the ORV is registered with ICBC under the *ORV Act*;
  - (b) the ORV is registered and licensed under the *Motor Vehicle Act* or the *Commercial Transport Act*;
  - (c) the ORV,
    - (i) is registered or licensed in a jurisdiction other than BC, and
    - (ii) has displayed on it, in the manner prescribed, the number plate, decal or sticker issued by that jurisdiction in respect of the registration or licensing of the ORV.
- In terms of ORVs registered and licensed with a plate under the *Motor Vehicle Act* (e.g. under ICBC's Restricted Plate Program), ATVs, snowmobiles, motorcycles and side-by-sides are deemed to be in compliance with the registration requirements of the *ORV Act* when operated on Crown land (refer to section 14(b) of the *ORV Act*, section 5 of the *ORV Regulation* and section 1 for the definition of ORVs). On highway motor vehicles do not require registration (refer to section 3(1)(a) of the *ORV Regulation* re exemptions); however, if licensed under the *MVA* or *CTA*, the ORV must display the number plate issued with the license.
- Carry Copy of Registration: under section 15 of the *ORV Regulation*, a person must not use or operate an ORV registered with ICBC on Crown land unless a copy of the certificate of registration is carried in the vehicle or by the ORV operator.
- Display of ICBC Number Plate/Sticker: under section 4 of the *ORV Regulation*, a person must not use or operate, or authorize or permit another person to use or operate an ORV registered with ICBC on Crown land unless the number plate or sticker is clearly displayed in the manner prescribed by regulation: affixed horizontally to the vehicle and be clearly visible on the front, back or left side. In the case of motorcycles, the sticker may be displayed vertically on the left front fork, with the first number or letter at the bottom of the fork.
- To support continuity of ownership, once an ORV is registered under the *ORV Act* and the vehicle is subsequently transferred to a new owner, the new owner must register within 10 days (refer to section 8 of the *ORV Act*). A 10 day notice also applies to a change of name or address (refer to section 7 of the *ORV Act*).
- Snowmobile owners that registered previously under the *Snowmobile Regulation* of the *Motor Vehicle (All Terrain) Act* must re-register under the new *ORV Act* prior to November 17, 2015 in order to operate on Crown land. Transitioning from the previous manual registry to database system ensure officers have 24/7 access to vehicle registration data.

### **Exemptions to Registration**

- Under Section 3(1) of the *ORV Regulation*, the following ORVs are exempt from registration on Crown land:
  - a. On-highway motor vehicle, except for motorcycles.
  - b. ORVs owned by a person who is a resident of a jurisdiction in which the ORV cannot be registered or licensed (refer to section 7 of the *ORV Regulations*).

Please note that ORVs that fall under section 3(1) cannot voluntarily register because Part 2 [Registration] and Division 1 [Registration Required] of the *ORV Act*, Part 3, does not apply.

- Under Section 3(2) of the *ORV Regulations*, ORVs that are exempt from registration on Crown land but can voluntarily<sup>2</sup> register include:
  - a. An ORV where the manufacturer states in the manufacturer's recommendation is designed to be operated by a child 11 years old or younger.
  - b. A golf cart used only on a golf course or to cross a resource road to access one part of the golf course from another part of the course.
  - c. An ORV used in a sporting or competitive event or dealer demonstration, if that event or demonstration is temporarily authorized by a permit (e.g. a special event permit under the *Land Act*).

### Cost of Registration Services

- The one-time, user-pay fee for ORV registration under the *ORV Act* is \$48 (Certificate of Registration and the associated number plate/sticker).
- It was anticipated that owners of older ORVs may not have documentation to prove ownership at registration. So, similar to the approach with on-highway vehicles under the *Motor Vehicle Act*, ICBC requires a statutory declaration from ORV owners (this also helps ensure stolen ORVs are not registered). Please note that multiple ORVs owned by the same person may be included on one statutory declaration form as a cost savings. A Notary Public or Service BC, who have agents that are Commissioners for taking Affidavits, can provide this service. Service BC charges \$15 plus tax.

Note: the following ICBC website lists the requirement to register an ORV: <http://www.icbc.com/vehicle-registration/specialty-vehicles/Pages/Off-road-vehicles.aspx>

- Under the *ORV Regulation*, the prescribed fee to exchange a registration number plate for a sticker is waived only if:
  - (a) ICBC issued a number plate under the *ORV Act* for the ORV between November 17, 2014 and October 31, 2015, and
  - (b) the owner of the ORV returns the number plate to the ICBC between November 1, 2015 and December 31, 2015.
 After Dec. 31, 2015, an \$18 fee will apply to exchange a metal plate for a sticker or vice versa

For information about Provincial Sales Tax (PST), please refer to:

- Ministry of Finance, Bulletin # 2013-011 regarding ORVs: [http://www.sbr.gov.bc.ca/documents\\_library/notices/notice\\_2013-011.pdf](http://www.sbr.gov.bc.ca/documents_library/notices/notice_2013-011.pdf). In general, ORVs purchased prior to July 1, 2010 are not required to provide PST documentation when an ORV is registered under the *ORV Act*.
- Ministry of Finance Bulletin #309 regarding non-residents with ORVs: [http://www.sbr.gov.bc.ca/documents\\_library/bulletins/pst\\_309.pdf](http://www.sbr.gov.bc.ca/documents_library/bulletins/pst_309.pdf).
- If applicable, the Certificate of Exemption Form for Farmers (FIN 458): [https://www.sbr.gov.bc.ca/documents\\_library/forms/0458fill.pdf](https://www.sbr.gov.bc.ca/documents_library/forms/0458fill.pdf)

<sup>2</sup> Note: ICBC will not register toy ORVs.

## Transfer of Ownership and Stickers

If an owner plans to sell a registered ORV (transfer ownership) and has a number sticker, it is suggested that the sticker be affixed to something that may be removed if the owners plans to sell the vehicle at a future date<sup>3</sup>. Stickers used for the manual snowmobile registry under the previous *Motor Vehicle (All Terrain) Act* created challenges for some ORV owners when they sold their vehicle and new owner did not subsequently register the ORV in their name -- the previous registered owner receiving violation tickets for offences committed by the new owner.

Registration number plates can be easily removed without damaging a vehicle paint-job upon transfer of ownership; as a result, it continues to be the preferred option for many vehicle owners. For those that opt for a plate and have concerns about the metal edge, a license plate frame has been used.

Note: if the number sticker cannot be removed from the ORV without damaging it (e.g. so it can be used on your next ORV), it will cost \$18.00 to replace it.

## Out of Province ORVs

- Section 14 (c) of the *ORV Act* states that, subject to the ORV Regulations, a person must not use or operate, or authorize or permit another person to use or operate, an ORV on Crown land unless the off-road vehicle:
  - (i) is registered or licensed in a jurisdiction other than British Columbia (e.g. ORVs from Alberta), and
  - (ii) has displayed on it, in the manner prescribed, the number plate, decal or sticker issued by that jurisdiction in respect of the registration or licensing of the off-road vehicle.
- Under section 6 of the *ORV Regulation*, a person must not use or operate, or authorize or permit another person to use or operate, an ORV on Crown land under section 14 (c) of the Act<sup>4</sup> (e.g. ORVs from Alberta) unless a plate, decal or sticker issued by a jurisdiction in which the ORV is registered or licensed, and setting out a registration or licence number, is securely fastened to the ORV in accordance with the rules of the jurisdiction.
- Section 7 of the *ORV Regulation* applies to ORVs from jurisdictions without registration (e.g. ATVs from Saskatchewan):
  - (1) A person must not use or operate an ORV to which section 3 (1) (b) [vehicles from jurisdictions without registration] applies on Crown land unless the person carries a copy of one of the following documents: (a) a bill of sale to the current owner; (b) a form transferring ownership of the off-road vehicle to the current owner; (c) a signed statement of a person stating the person is the current owner of the ORV.
  - (2) A person must not use or operate an ORV to which section 3 (1) (b) applies on Crown land unless the person carries a copy of photo identification, stating the current address of the owner of the off-road vehicle, issued to the owner by one of the following: (a) the government of Canada; (b) the government of a province or territory, or an agent of the government of a province or territory, in which the person has a current address; (c) a foreign jurisdiction in which the person has a current address.
  - (3) Photo identification issued by a foreign jurisdiction under subsection (2) (c) must be a valid passport or a driver's licence valid in the jurisdiction in which it is issued.

<sup>3</sup> Otherwise, the registration number sticker may be difficult to remove without potentially damaging the sticker or the vehicle. If a sticker is damaged during removal, a replacement sticker can be obtained for \$18 from an ICBC broker.

<sup>4</sup> The ORV is registered or licensed in a jurisdiction other than BC, and has displayed on it, in the manner prescribed, the number plate, decal or sticker issued by that jurisdiction in respect of the registration or licensing of the ORV.



- (4) A person must not operate an ORV to which section 3 (1) (b) applies unless a vehicle identification number is displayed on the ORV.

Note: it is anticipated that a non-resident operating permit may be available in a couple of years once ICBC has completed its overall computer systems upgrade and the permitting scheme is in place. As a result, provisions related to the non-resident operating permit have not come into force under the *ORV Act* and proof of ownership documentation described in section 7 of the *ORV Regulation* was adopted as an interim measure for non-residents unable to register in their home jurisdiction (e.g. ATVs from Saskatchewan).

### Identification

Under section 25 of the *ORV Regulation*, riders that use or operate an ORV on Crown land will be required to carry government issued photo identification to help officers better identify irresponsible ORV riders and establish age; this applies to persons 12 years and older.

Note: Although an on-highway motor vehicle is not required to be registered under the *ORV Act* when used or operated on Crown land (as per section 3(1)(a) of the *ORV Regulation*), if they are registered and licensed under the *Motor Vehicle Act* or *Commercial Transport Act* and issued a plate, they must display the plate (refer to section 5 of the *ORV Regulation*).

## SAFE AND RESPONSIBLE USE

The safety and responsible use provisions of the *ORV Act* apply to all classes of ORVs, including on-highway motor vehicles.

**Operate an ORV in a safe and responsible manner.** Under section 17 of the *ORV Act*,

- (1) A person must not use or operate an ORV on Crown land;
  - (a) in a careless, reckless or negligent manner that may endanger or cause injury to persons or damage to property; or
  - (b) in such a manner as to harass, run over, injure or kill wildlife, livestock or a domestic animal.
- (2) A person must not use or operate an ORV:
  - (a) on the tracks of an operating railway; or
  - (b) on private land without the consent of the owner, lessee or occupant of the private land.

**Wear a helmet** as described in section 18 of the *ORV Act* and sections 20-22 of the *ORV Regulation*; specifically,

- Section 21 (1): subject to subsection (3), a person must not use, operate or be a passenger on an all-terrain vehicle, motorcycle or snowmobile on Crown land unless the person wears an ORV safety helmet.
- (2) A person must not use or operate an all-terrain vehicle, motorcycle or snowmobile on Crown land with a child as a passenger, unless the child wears an ORV safety helmet.
  - (3) This section does not apply to a person who (a) practises the Sikh religion, and (b) has unshorn hair and habitually wears a turban composed of 5 or more square metres of cloth.

Section 22: an ORV safety helmet must meet one or more of the following requirements, as mended from time to time before or after the making of this regulation:

- (a) certification in accordance with the Snell Memorial Foundation 2005 and 2010 Standard for Protective Headgear For Use with Motorcycles and Other Motorized Vehicles;
- (b) certification in accordance with the Snell Memorial Foundation 2010 Standard for Protective Headgear For Use with Motorcycles and Other Motorized Vehicles;
- (c) conformance with the Federal Motor Vehicle Safety Standard No. 218; Motorcycle helmets (United States of America), also known as FMVSS 218 (49 CFR 571.218);
- (d) approval in accordance with the United Nations Economic Commission for Europe (ECE) ECE Regulation No. 22 - Uniform provisions concerning the approval of protective helmets and of their visors for drivers and passengers of motor cycles and mopeds.

**Use lights for low visibility conditions** as per section 19 of the *ORV Act* and section 24 of the *ORV Regulation*; specifically, a person must not use or operate an ORV on Crown land between one 1/2 hour after sunset and one 1/2 hour before sunrise, or at any other time when visibility is impaired by the weather, unless:

- (a) the ORVs headlights are illuminated or, if the vehicle does not have installed headlights, detachable white lights are temporarily affixed to the vehicle, illuminated and visible from the front (e.g. an attached bike light would suffice),
- (b) the ORVs tail lights are illuminated or, if the vehicle does not have installed tail lights, detachable red lights are temporarily affixed to the vehicle, illuminated and visible from the back, and
- (c) if the ORV is manufactured with brake or stop lights, the brake or stop lights are illuminated in the manner recommended by the manufacturer.

**Wear seatbelts if installed by the manufacturer** as described in section 23 of the *ORV Regulation* (e.g. side-by-sides and trucks):

- (1) This section applies to an off-road side-by-side vehicle and to an on-highway motor vehicle on Crown land if a seat belt is installed by the manufacturer.
- (2) A person must not remove, render partially or wholly inoperative or modify a seat belt installed in a vehicle to which this section applies, unless the modification is approved by the manufacturer as a replacement seat belt.
- (3) A person must not use, operate or be a passenger on a vehicle to which this section applies unless the person wears a seat belt.
- (4) A person must not use or operate a vehicle to which this section applies on which there is a passenger who is a child and who occupies a seating position for which a seat belt assembly is installed by a manufacturer, unless the passenger is wearing the complete seat belt assembly in a properly adjusted and securely fastened manner.

**Improved safety laws for children** as described in section 20 of the *ORV Act* and section 16-19 of the *ORV Regulation* (whereas a child means under 16 years and an adult is 19 or older).

**Appropriate vehicle for the child** as per Section 16:

- (1) A child must not use or operate an ORV on Crown land unless the child is of an age, height and weight that meets the manufacturer's recommended minimum age, weight and height for the ORV.
- (2) A child must not use or operate an on-highway motor vehicle on Crown land.

**Child must not operate an ORV without a supervising adult** as per Section 17:

- (1) Subject to section 18, a child must not use or operate an ORV on Crown land unless supervised by an adult.
- (2) An adult supervises a child under subsection (1) if the adult authorizes and permits the child to use or operate an ORV and agrees to accompany the child for that purpose.
- (3) An adult who supervises a child must:
  - (a) have a valid driver's licence, or be certified by the Canada Safety Council, the Canadian All-Terrain Quad Council of Canada Safety Institute or the Motorcycle Safety Foundation as having completed a training course for the class of off-road vehicle,
  - (b) carry proof of compliance with paragraph (a) and produce it on request of an officer,
  - (c) see, and be able to be seen by, the child at all times the child uses or operates the ORV, and
  - (d) be able to provide immediate direction to the child, either verbally or visually, at all times the child uses or operates the ORV.

**When a child may operate an ORV unsupervised** – as per section 18,

- (1) A child may use or operate an ORV on Crown land without being supervised by an adult if
  - (a) the child is 14 or 15 years of age, and
  - (b) a parent or guardian of the child states, in writing and in a form satisfactory to the minister, that
    - (i) the child has appropriate training to use or operate the class of ORV, and
    - (ii) the parent or guardian consents to the child using or operating the ORV without adult supervision.
- (2) A child to whom this section applies must not use or operate an off-road vehicle on Crown land or prescribed private land unless the child carries a copy of the written form referred to in subsection (1) (b) on the child's person and produces the copy on request of an officer.

**Child as passenger on an ORV** - as per section 19:

- (1) A person must not use or operate an ORV with a child as a passenger, on Crown land, unless the ORV is designed to carry a passenger and the child is of an age, weight and height that meets the manufacturer's recommended minimum age, weight and height for that ORV.
- (2) A child must not use or operate an ORV on Crown land with a passenger.
- (3) Despite subsection (2), a child may use or operate an ORV on Crown land with one adult as a passenger if the adult is supervising the child in accordance with section 17 and the ORV is designed to carry a passenger.

A key benefit of the new safety laws under the *ORV Act* will be reduced incidents of ORV injuries and deaths on Crown land.

## COMPLIANCE AND ENFORCEMENT

- Key elements of the compliance and enforcement approach to address the safe and responsible use of ORVs on Crown land include:
  - Improving public awareness and education efforts;
  - Optimizing limited resources;
  - Developing better enforcement tools for officers; and
  - Building effective partnerships with stakeholders, municipalities, communities and First Nations.
- BC natural resource ministries, local governments, and law enforcement agencies such as the RCMP will work in concert to deliver this approach. This partnership, led by the Province, will be founded on

a collaborative model that fits with the integrated decision making mandate of provincial Natural Resource Sector (NRS) organizations.

- This integrated approach requires building a strong linkage between achieving compliance and creating a sense of shared stewardship with ORV stakeholders, communities and the public. This approach is expected to result in increased voluntary compliance and will motivate non-compliance reporting. Furthermore, the ministry works with its government partners to build a specific set of ORV compliance actions into its C&E regional work plans, based on a thorough risk assessment. This will be guided by details that include patterns of use, types of use, and field staff knowledge of high-impact areas.
- In addition, the approach to ORV compliance and enforcement will be guided by the following operational principles:
  - Leveraged resources used in a coordinated effort to ensure efficient and effective on-the-ground delivery of compliance actions.
  - Allocation of resources toward the highest priority work (as defined by critical data including a comprehensive risk assessment).
  - Encourage shared stewardship without jeopardizing public safety.
  - Use of education and other tools to clearly communicate ORV use regulations.
  - Timely reporting on compliance outcomes to internal and external stakeholders.
- The recommended C&E approach needs to be flexible enough to allow assessment and response to fit the situation, based on staff expertise and their unique knowledge of an area. The method is founded on best practices such as:
  - Building Effective Partnerships to generate greater stakeholder involvement. This generally results in a higher level of voluntary compliance.
  - Promoting Awareness through education, information and training designed to encourage compliance with ORV use regulations. The result will be a more informed public and better awareness within stakeholder groups with respect to the impacts of non-compliance. Ultimately it will result in changed behaviors.
  - Optimizing Limited Resources. Meet statutory obligations through a concerted collaboration and coordination effort across all NRS agencies that have a compliance and enforcement mandate. Inspection and enforcement activities will be carried out based on a risk assessment, and the need to maintain an effective presence in the field particularly in high use or high impact areas.
  - Developing Better Enforcement Tools. Enforcement is one of the tools that may be used to achieve compliance. It includes administrative responses (warnings and orders), and prosecutorial responses (tickets and court prosecutions). Enforcement actions will only be used where voluntary compliance cannot be achieved. Any changes required to facilitate enforcement action will be considered based on reported ORV compliance outcomes and a review of the suite of ORV use regulations.
- The *Off-Road Vehicle Act* provides improved enforcement tools to better assist officers in addressing irresponsible ORV riders that endanger others, harm animals or damage sensitive habitat such as grasslands and wetlands.
  - On June 1, 2015, the *Motor Vehicle (All Terrain) Act* was repealed and the *Off-Road Vehicle Act* provisions came into force which gives officers the ability to stop, inspect and, where appropriate, seize ORVs for safety or evidence purposes.
  - The maximum fine for each offence has increased from \$500 to \$5,000 and some offences include up to six months in jail.

- Fines for violation tickets have also increased; for example, careless operation of an ORV increased from \$115 to \$368 and operating an unregistered ORV on Crown land increased from \$58 to \$230. For details about the fine amount for contraventions under the *ORV Act* that come into force on November 1, 2015, please refer to Schedule 2 of the *Violation Ticket Administration and Fines Regulation* under the *Offence Act* (also refer to Appendix 1 for a summary).
- The *Natural Resource Officer Authority Regulation* was also amended to include FLNRs Natural Resource Officers as officers under the *Off-Road Vehicle Act*.
- Please note that, under Section 26 of the *Motor Vehicle Act*, ICBC may, without a hearing, refuse to issue a driver's licence or vehicle license to a person who is indebted to the government because of his or her failure to pay a fine, or a victim's surcharge levy within the meaning of the *Victims of Crime Act*, imposed as a result of a conviction under the *ORV Act*.
- In addition, Section 14.1 of the *Offence Act* enables a violation ticket to be served to out of province persons (residence) who contravened BC provincial laws, including the *ORV Act*.
- Enforcement actions will only be used where voluntary compliance cannot be achieved.

Anyone who witnesses a contravention of the *Off-Road Vehicle Act* is encouraged to call the Natural Resource Violations Hotline at 1 844 NRO-TIPS (1 844 676-8477).

## OTHER MATTERS

**Insurance:** there are no new insurance requirements under the *ORV Act* when an ORV is used or operated on Crown land. The status quo requirement for \$200,000 in third party liability insurance and a valid driver license continues to apply on a Forest Service Road (FSR); this law on FSRs has been in place for decades in BC under the *Forest Service Road Use Regulation of the Forest and Range Practices Act (FRPA)*.

**Roads:** please note that paved public roads within communities and highways are subject to the insurance and licensing requirements under the *Motor Vehicle Act*. Although some gravel roads are also highways, the majority of gravel roads are typically Forest Service Roads or other types of resource roads on Crown land.

For information about ICBC requirements on highways under the *Motor Vehicle Act*, refer to: <http://www.icbc.com/vehicle-registration/specialty-vehicles/Pages/Off-road-vehicles.aspx>

Also check out ICBC Bulletin #11 and #13 for a helpful summary of ORV registration for enforcement and road safety partners: <http://partners.icbc.com/insurance-services/vehreg-bulletins.asp>.

In general, in order for an ORV to be used or operated for incidental access on highways, the *Motor Vehicle Act* requirements include: a valid driver's licence, ICBC's basic insurance (\$26), an annual vehicle license (\$23), and, where applicable, a police-issued operation permit (\$0).

For information about resource roads on Crown land, including the status of the road, please contact FrontCounter BC: <http://www.frontcounterbc.gov.bc.ca/contact/>. For details about the requirements on a Forest Service Road, including laws about snowmobile access on ploughed roads, please check out BC Laws: *Forest and Range Practices Act* of the *Forest Service Road Use Regulation*: [http://www.bclaws.ca/civix/document/id/complete/statreg/70\\_2004](http://www.bclaws.ca/civix/document/id/complete/statreg/70_2004).

**Appendix 1: Violation Tickets**

Excerpt of the November 1, 2015 amendment to Schedule 2 of the *Violation Ticket Administration and Fines Regulation* under the *Offence Act*:

Provision	Contravention	Victim		
		Fine	Levy	Ticketed Amount
<i>Off-Road Vehicle Act</i>				
section 7 (1)	Fail to change address	\$95	\$14	\$109
section 7 (2)	Fail to change name	\$95	\$14	\$109
section 8 (1) (b)	Fail to deliver notice of transfer	\$95	\$14	\$109
section 11 (1) (a) to (c)	Fail to apply for vehicle identification number	\$95	\$14	\$109
section 11 (3)	Fail to properly apply vehicle identification number	\$95	\$14	\$109
section 12 (1)	Alter, remove or obliterate vehicle identification number	\$150	\$23	\$173
section 13 (1) (a) (i)	Alter or obliterate number plate, decal or sticker	\$150	\$23	\$173
section 13 (1) (a) (ii)	Alter or obliterate registration, permit or other document	\$150	\$23	\$173
section 13 (1) (b) (i)	Use or operate off-road vehicle with altered, obliterated or repainted number plate, decal or sticker	\$150	\$23	\$173
section 13 (1) (b) (ii)	Use or operate off-road vehicle with fictitious number plate, decal, sticker or other document	\$200	\$30	\$230
section 13 (1) (c)	Use or operate off-road vehicle in possession of fictitious or invalid plate, decal, sticker or other document	\$200	\$30	\$230
section 14 (a) and (b)	Use or operate off-road vehicle not registered under ORA or registered or licensed under MVA or CTA	\$200	\$30	\$230
section 14 (c) (i)	Use or operate off-road vehicle without registration or licence from other jurisdiction	\$200	\$30	\$230
section 14 (c) (ii)	Fail to display number plate, decal or sticker of other jurisdiction	\$150	\$23	\$173
section 15 (1) (a)	Fail to carry certificate of registration (or copy)	\$95	\$14	\$109
section 15 (1) (b)	Improper display of number plate, decal or sticker	\$150	\$23	\$173
section 15 (2) (a)	No evidence of licence issued under MVA or CTA	\$95	\$14	\$109
section 15 (2) (b)	Improper display of number plate issued under MVA or CTA	\$200	\$30	\$230
section 15 (3)	Fail to carry documentation issued by other jurisdiction	\$95	\$14	\$109
section 17 (1) (a)	Use or operate off-road vehicle carelessly	\$320	\$48	\$368
section 17 (1) (b)	Harass animals	\$250	\$38	\$288
section 17 (2) (a)	Use or operate on operating railway	\$150	\$23	\$173
section 17 (2) (b)	Use or operate on private land without owner's consent	\$100	\$15	\$115
section 17 (3)	Fail to comply with permit	\$150	\$23	\$173
section 18 (1)	No approved safety helmet	\$120	\$18	\$138
section 18 (2)	Allow minor to be passenger without safety helmet	\$120	\$18	\$138
section 19 (a)	Off-road vehicle not properly equipped with lights	\$95	\$14	\$109
section 19 (b)	Fail to maintain lights	\$95	\$14	\$109
section 19 (c)	Fail to use lights	\$95	\$14	\$109
section 20 (a)	Allow prohibited act by minor	\$200	\$30	\$230
section 20 (b)	Allow minor to contravene permit	\$150	\$23	\$173
section 21 (2)	Fail to stop for officer	\$250	\$38	\$288
section 21 (3) (a)	Fail to identify correct name and address	\$250	\$38	\$288
section 21 (3) (b)	Fail to produce documents and identification	\$150	\$23	\$173
section 25	Obstruct an officer	\$250	\$38	\$288
section 26 (5)	False statement in application or notice of transfer	\$95	\$14	\$109

Anyone who witnesses a contravention of the *Off-Road Vehicle Act* is encouraged to call the Natural Resource Violations Hotline at 1 844 NRO-TIPS

(1 844 676-8477)